

PHILADELPHIA COUNTY COURT OF COMMON PLEAS

TRIAL DIVISION

IN RE: PARAQUAT PRODUCTS
LIABILITY LITIGATION

MAY TERM, 2022

This Document Relates to No. 559
All Actions

VIDEO-RECORDED DEPOSITION

ALAN NADEL

Friday, May 3, 2024

9:07 a.m. Eastern Time

Reported by: Denise Dobner Vickery, CRR, RMR

Job No. MDLG6653059

Page 2 1 2 3 4 5 6 7 8 Friday, May 3, 2024 9 9:07 a.m. Eastern Time 10 11 Video-Recorded Deposition of ALAN 12 NADEL, held at the offices of: 13 14 KIRKLAND & ELLIS LLP 15 1301 Pennsylvania Avenue NW 16 Washington, DC 20004 17 18 19 20 Pursuant to notice, before Denise 21 Dobner Vickery, Certified Realtime Reporter, 22 Registered Merit Reporter, and Notary Public in 23 and for the District of Columbia. 24	Page 4 1 APPEARANCES: 2 3 Representing the Defendant SYNGENTA: 4 KIRKLAND & ELLIS LLP 5 BY: RAGAN NARESH, ESQ. 6 1301 Pennsylvania Avenue NW 7 Washington, DC 20004 8 202.389.5000 9 ragan.naresh@kirkland.com 10 11 12 VIDEOGRAPHER: DESHAWN WHITE 13 14 ALSO PRESENT: 15 KEVIN ROWE, Paralegal, Wagstaff Law Firm 16 MARK SMITH, In-House Counsel, Syngenta 17 18 ALSO PRESENT VIA ZOOM: 19 CHELSEA MONROE, ESQ., Motley Rice LLC 20 NICHOLAS WILLIAMS, ESQ., Motley Rice LLC 21 LAURA HOLCOMB, Paralegal, Motley Rice LLC 22 SHARYL A. REISMAN, ESQ., Jones Day 23 JUAN MANUEL GARIBAY, ESQ., Wallace Miller 24 CHRIS BOSTON
Page 3 1 APPEARANCES: 2 3 Representing the Plaintiffs: 4 WAGSTAFF LAW FIRM 5 BY: AIMEE WAGSTAFF, ESQ. 6 940 N. Lincoln Street 7 Denver, CO 80203 8 303.376.6360 9 awagstaff@wagstafflawfirm.com 10 11 12 Representing the Plaintiffs: 13 THE MILLER FIRM LLC 14 BY: DAVID J. DICKENS, ESQ. 15 BY: JEFFREY TRAVERS, ESQ. 16 108 Railroad Avenue 17 Orange, VA 22960 18 540.672.4224 19 ddickens@millerfirmllc.com 20 jtravers@millerfirmllc.com 21 22 23 24	Page 5 1 INDEX 2 EXAMINATION OF ALAN NADEL PAGE 3 BY MS. WAGSTAFF 14 4 AFTERNOON SESSION 211 5 BY MR. NARESH 338 6 FURTHER BY MS. WAGSTAFF 364 7 FURTHER BY MR. NARESH 366 8 9 NADEL DEPOSITION EXHIBITS 10 NUMBER DESCRIPTION PAGE 11 EXHIBIT 1 Amended Notice of Deposition 31 12 EXHIBIT 2 Holiday Shores v. Syngenta Order 31 13 March 8, 2012 14 EXHIBIT 3 Top E-mail 19 January 2008 36 15 RE: Work products 16 SYNG-PQ-31449369 - 31449370 17 EXHIBIT 4 Sullivan Memo 21.06.2007 Subject: 46 18 Communications Regarding Paraquat 19 SYNG-PQ-29316176 - 29316177 20 EXHIBIT 5 PowerPoint: Good working 49 21 practise in communications within 22 the Regulatory & Product Safety 23 community, Cook & Nadel 24 SYNG-PQ-ATR-11675389 - 11675404

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Page 14 1 MR. TRAVERS: Jeffrey Travers 2 on behalf of plaintiffs. 3 MR. NARESH: Ragan Naresh, 4 Kirkland & Ellis on behalf of Syngenta. 5 MR. SMITH: Mark Smith 6 in-house counsel, Syngenta. 7 THE VIDEOGRAPHER: Counsel on 8 Zoom will just be noted on the record. 9 --- 10 ALAN NADEL 11 called for examination, and, after having been 12 duly sworn, was examined and testified as 13 follows: 14 --- 15 EXAMINATION 16 --- 17 BY MS. WAGSTAFF: 18 Q. Good morning. 19 A. Good morning. 20 Q. Nice to meet you. We had an 21 opportunity to introduce ourselves before but -- 22 A. Uh-huh. 23 Q. -- I'll introduce on the record. 24 My name is Aimee Wagstaff. I'm a	Page 16 1 mind, even though I'm sure you're very familiar 2 with them given your experience, but let's try not 3 to talk over each other. 4 A. Uh-huh. 5 Q. You are violating a rule right now 6 of nodding your head instead of saying yes. 7 (Laugh). 8 A. Right. 9 Q. If you could try to just make a 10 verbal answer -- 11 A. Sure. 12 Q. -- so that we can have a record. 13 If not, myself or your counsel will 14 probably remind you, and we have a video of last 15 resort. 16 Obviously, you also know if counsel 17 makes an objection, unless they instruct you not 18 to answer, please give an answer. 19 A. Yes. 20 Q. And you understand that you just 21 took an oath to tell the truth today? 22 A. I did. 23 Q. And what does that mean to you? 24 A. It means to be honest in all my
Page 15 1 lawyer from Boulder, Colorado -- 2 A. Okay. 3 Q. -- and I represent plaintiffs in 4 this action. 5 Have you ever had your deposition 6 taken before? 7 A. Yes. 8 Q. Okay. And you're a lawyer, right? 9 A. I am. 10 Q. Okay. How many times have you had 11 your deposition taken? 12 A. I want to say probably three or four 13 times. 14 Q. Okay. And have you ever taken a 15 deposition? 16 A. Not quite a while. 17 Q. But you have in the past? 18 A. Yes. 19 Q. Okay. So you know the sort of the 20 rules -- 21 A. I do. 22 Q. -- of the deposition? 23 A. Uh-huh. 24 Q. A couple things just to keep in	Page 17 1 answers. 2 Q. And it's the same oath you 3 understand as if you were in a courtroom in front 4 of a jury, right? 5 A. Yes. 6 Q. And we'll take breaks throughout the 7 day, but if you need one, will you let me know? 8 A. Sure. 9 Q. Okay. And all I ask is that if 10 there's a pending question that you answer it -- 11 A. Yes. 12 Q. -- before we take a break. 13 Is there any reason why you can't 14 give your best testimony today? 15 A. No. 16 Q. Are you on any medications that 17 would alter your thinking -- 18 A. No. 19 Q. -- or your memory or anything? 20 A. No. 21 Q. Okay. So let's start the deposition 22 now. 23 A. Okay. 24 Q. Can you introduce yourself to the

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Page 18 1 jury? 2 A. Sure. My name is Alan Nadel. 3 N-a-d-e-l. 4 Q. Okay. And what is your address? 5 A. My address is 5 Baytree Court, 6 Greensboro, North Carolina. 7 Q. All right. And who is your 8 employer? 9 A. Syngenta Crop Protection LLC. 10 Q. And how long have you worked for 11 Syngenta? 12 A. Syngenta and its predecessors, 13 approximately 36 years. 14 Q. Okay. What did you do before you 15 worked at Syngenta? 16 A. I was an assistant district attorney 17 in the Manhattan DA's office. 18 Q. Okay. Did you ever work in private 19 practice? 20 A. Yes, I did. 21 Q. And where did you work? 22 A. A firm no longer in existence called 23 Bower & Gardner in Manhattan. 24 Q. Okay. So when did you move down to	Page 20 1 So I was hired in 1988 by Ciba-Geigy 2 Corporation in New York and I was there. We 3 ultimately merged with Sandoz and became Novartis. 4 I then moved to North Carolina when this -- the -- 5 the framework of how the company was organized 6 changed a bit, and I worked then for Novartis Crop 7 Protection in Greensboro. 8 Q. Yeah. 9 A. And then after that, we subsequently 10 merged. The crop protection business merged with 11 the crop protection business of AstraZeneca. We 12 became Syngenta still in North Carolina, and 13 that's where I am until today. 14 Q. Okay. I guess my question was you 15 said that you -- and I'm sorry for not being 16 clear. That's another thing. If you ever don't 17 understand a question -- 18 A. Sure. 19 Q. -- please let me know if there's 20 more than one -- 21 A. Yeah. 22 Q. -- interpretation I would ask you. 23 A. Yes. 24 Q. But you said you were in your
Page 19 1 North Carolina? 2 A. 1996 if I remember. 3 Q. Okay. (Laughs). 4 A. (Laugh). 5 Q. Just yesterday I'm sure it seems 6 like. 7 And what is your role at Syngenta 8 currently? 9 A. Yeah. I'm the global head of 10 litigation. 11 Q. Okay. Worldwide? 12 A. It's -- yes, it's global world. 13 Correct. 14 Q. Okay. And when did you take on that 15 role? 16 A. Approximately five years ago. 17 Q. Okay. So starting can you kind of 18 walk through your roles at Syngenta? 19 A. My current role? 20 Q. Yeah, starting with when you were 21 hired. 22 A. Oh, sure. 23 Q. If you can remember back that far. 24 A. Yeah, absolutely.	Page 21 1 current role for five or six years? 2 A. Oh, yeah. Uh-huh. 3 Q. So I was more wondering what roles 4 you played. 5 A. Sure. So prior to that, I was lead 6 counsel for litigation North America and in that 7 role for a few years. I don't recall exactly how 8 many. Before that, I was litigation counsel and 9 litigate as well as when I was in New York 10 litigation counsel or senior litigation counsel, 11 but I was in a litigation role from the time that 12 I joined the company. 13 Q. Okay. And now are you the top 14 lawyer for Syngenta -- 15 A. No. 16 Q. -- company? No. 17 Who is? 18 A. Globally the top lawyer is Steve 19 Landsman. He's the general -- group general 20 counsel. 21 Q. Okay. And do you report directly to 22 him? 23 A. I do. 24 Q. Okay. And how many lawyers do you

Page 22 1 have underneath you? 2 A. Two lawyers. 3 Q. Okay. And so how would you describe 4 your -- your -- explain, tell me your title again. 5 A. It's global head of litigation. 6 Q. Okay. And so what does the global 7 head of litigation do? 8 A. It's really centered primarily in 9 the U.S. where we manage litigation the companies 10 involved in United States, and then I have what I 11 call an oversight role globally of litigation 12 globally. 13 Q. Okay. So if there is litigation 14 going on in other countries, you're involved in 15 that? 16 A. Not necessarily. You know, there 17 are local lawyers in those various countries who 18 are handling those. I get reports about them if 19 they -- the value of the case exceeds a certain 20 dollar threshold. I may or may not be involved 21 depending on their needs for the -- the importance 22 of the litigation. 23 Q. Okay. But they report to you? 24 A. They do not.	Page 24 1 times. 2 Q. Okay. In person or in Zoom? 3 A. Only one in person. Everything else 4 was in Zoom. 5 Q. Okay. And how long were each of the 6 meetings, roughly? 7 A. Most of them were, I'd say, two, two 8 and a half hours. We met in person yesterday and 9 that was longer. I don't know. Maybe six hours. 10 Q. Okay. Had you met Mr. Naresh in 11 person before? 12 A. Oh, yes. 13 Q. Okay. Under what occasion? 14 A. In other litigation. 15 Q. Okay. And did you read any 16 depositions to prepare for this? 17 A. I did not. 18 Q. No. 19 Did you talk to Sarah Hull, who was 20 deposed on Wednesday? 21 A. No. 22 Q. Did you talk to any Syngenta 23 employees about your deposition? 24 A. Other than to say I'm -- I'm being
Page 23 1 Q. They do not. 2 Who do they report to? 3 A. They report to the -- either the 4 regional counsel covering those locations or the 5 company presidents in those areas. 6 Q. Okay. Do you have any scientific 7 background? 8 A. I do not. 9 Q. You do not. 10 Have you done any training on 11 designing medical studies or scientific studies? 12 A. No. 13 Q. Okay. What did you do to prepare 14 for the deposition today? 15 A. I met with counsel on a couple of 16 occasions, and I reviewed a number of documents 17 that my counsel provided me with. 18 Q. Okay. What counsel did you meet 19 with? 20 A. Ragan Naresh. Also Mark Smith was 21 present, and I think we had Don -- is it Hong? 22 okay -- present as well at one of the meetings. 23 Q. Okay. How many times did you meet? 24 A. I want to say maybe three or four	Page 25 1 deposed, that was the extent of it. 2 Q. Who did you tell that to? 3 A. Monty Dixon. I think that was it, 4 actually. 5 Q. Why did you tell Mr. Dixon that? 6 A. Just conversation in the hallway. 7 Q. What did he say? 8 A. He said, "Okay, you know, I was -- I 9 was deposed. I may be deposed again." That was 10 it. 11 Q. Did you talk to Mr. Sullivan in 12 preparation -- 13 A. I did not. 14 Q. -- for this deposition? 15 And you read -- you reviewed 16 documents to prepare? 17 A. Correct. 18 Q. Documents provided by counsel? 19 A. Correct. 20 Q. Did you do any research on your own 21 of documents? 22 A. No. 23 Q. Okay. And did you bring any 24 documents here with you today?

Page 26 1 A. I did not. 2 Q. All right. And it sounds like 3 you've been -- since you've been in Syngenta for 4 36 years, right? 5 A. Correct. 6 Q. Longer than they've been alive. 7 (Laugh). 8 A. More than most people have been 9 alive I think sometimes. (Laugh). 10 Q. Not me. Not me. 11 So as a lawyer, you're familiar with 12 the attorney-client privilege -- 13 A. Yes. 14 Q. -- and the attorney-client work 15 product doctrine, right? 16 A. Yes. 17 Q. And you work globally you just 18 mentioned, but, you know, here in the United 19 States, you would agree that those doctrines allow 20 communication that is generated pursuant to those 21 documents to remain confidential, right? 22 A. Yes. 23 Q. And to remain hidden from the public 24 and the jury, right?	Page 28 1 conclusion? 2 MS. WAGSTAFF: Yeah. 3 MR. NARESH: Or do you want me 4 to object each time? 5 MS. WAGSTAFF: No. Yeah, you 6 can have a standing objection. 7 MR. NARESH: Okay. So 8 I'll just -- for the record to the extent 9 it's calling for a legal conclusion, I 10 object to that question. We have a 11 standing objection on that, but I won't 12 make that objection each time by 13 agreement. 14 MS. WAGSTAFF: Yeah. Agreed. 15 MR. NARESH: Okay. Go ahead. 16 THE WITNESS: The 17 attorney-client privilege would either 18 have to be communication either giving 19 legal advice or requesting legal advice. 20 BY MS. WAGSTAFF: 21 Q. Okay. Which means an attorney needs 22 to be involved? 23 A. Generally, yes, uh-huh. 24 Q. Yeah, but those two doctrines don't
Page 27 1 MR. NARESH: Object to the 2 form. 3 Go ahead. 4 THE WITNESS: I don't know if 5 I'd say "hidden." I'd say that they are 6 subject -- if they are subject to a 7 privilege or the work product doctrine, 8 then they're protected from disclosure. 9 BY MS. WAGSTAFF: 10 Q. Yes, which means that in a 11 litigation like this, you wouldn't have to produce 12 those documents to us, right? 13 A. Well, counsel wouldn't have to 14 produce them. Correct. 15 Q. Right. 16 And you would agree that, too, for 17 the attorney-client privilege or the 18 attorney-client work product doctrines to attach 19 to something, a lawyer needs to be involved in 20 that communication, right? 21 MR. NARESH: So I'll allow the 22 questioning. I'm not going to interrupt, 23 but can I have a standing objection to 24 the extent it calls for a legal	Page 29 1 attach to everything an attorney says, right? 2 A. Correct. 3 Q. And throughout your time at Syngenta 4 in the 36 years when you've been working in the 5 litigation department, you would agree that it was 6 a company policy and procedure to cc you on 7 non-privileged communication to try -- 8 A. No. 9 Q. -- to attach -- can you let me 10 finish my question? 11 A. Oh, sure. Go ahead. 12 Q. I'll restart the question. 13 Throughout your time at Syngenta in 14 the 36 years working in the litigation department, 15 you would agree with me that it was a company 16 policy and procedure to cc you on non-privileged 17 communication in an attempt to hide the 18 communication from the public? 19 A. No, I would not. 20 MR. NARESH: Objection to the 21 form. 22 BY MS. WAGSTAFF: 23 Q. And you would agree with me that 24 throughout your time at Syngenta, it was a company

Page 30 1 policy and procedure to cc you on any 2 non-privileged communication to keep the jury from 3 hearing about that information; is that right? 4 MR. NARESH: Objection to 5 form. 6 THE WITNESS: No. 7 BY MS. WAGSTAFF: 8 Q. Okay. And Syngenta was so arrogant 9 in its use of this misuse of the legal system that 10 this policy and procedure was often e-mailed 11 about, wasn't it? 12 MR. NARESH: Objection to the 13 form. 14 THE WITNESS: No, not at all. 15 BY MS. WAGSTAFF: 16 Q. Okay. And, in fact, a few years ago 17 a judge actually issued an order admonishing 18 Syngenta for directing its employees to copy you 19 on e-mails that were non-privileged to try to 20 inappropriately label them as attorney-client 21 privilege? 22 MR. NARESH: Objection to the 23 form. 24 THE WITNESS: I wouldn't	Page 32 1 A. Yes. 2 Q. Do you see that? 3 Have you seen this order before? 4 A. I have. 5 Q. Okay. And this is an order where it 6 says: 7 "The matter before the court is 8 Plaintiff's motion regarding e-mail correspondence 9 copied to Allison -- or I'm sorry -- copied to 10 Alan Nadel, Syngenta's in-house counsel." 11 That's you, right? 12 A. Yes. 13 Q. "The court, after considering the 14 submissions and arguments of counsel, and being 15 fully advised of the premises, finds and orders as 16 follows." 17 Am I reading that correctly? 18 A. Yes. 19 Q. All right. And it looks like there 20 was a policy and procedure in Syngenta where it 21 says: 22 "You have to cement -- 23 underlined -- in your mind that on everyone of 24 these e-mails referring to atrazine you have to
Page 31 1 agree with that. 2 MS. WAGSTAFF: Okay. Let's 3 look at -- 4 We'll mark this as Exhibit 2, 5 and for the record, we had marked the 6 notice of deposition as Exhibit 1. 7 (Document marked for 8 identification as Nadel Exhibit 1. 9 (Document marked for 10 identification as Nadel Exhibit 2.) 11 MS. WAGSTAFF: Do you need 12 copies? 13 BY MS. WAGSTAFF: 14 Q. And do you pronounce your last name 15 Nadel? 16 A. Nadel. 17 Q. Nadel. Nadel. 18 And, Mr. Nadel, this what I've 19 marked for you as Exhibit 2 is an order from a 20 court on March 8, 2012; is that right? 21 A. Let's see. 22 Q. Go to the second page. 23 A. Yes. 24 Q. From presiding Judge William Mudge?	Page 33 1 copy Alan Nadel, otherwise the e-mail is likely 2 discoverable,' and 'I want to remind everyone to 3 be sure to copy Alan Nadel on any e-mails that 4 have to do with atrazine or simazine and place 5 Privileged & Attorney Client Work Product in the 6 subject line." 7 A. No. 8 Q. You see that? 9 A. I do see it. 10 Q. All right. And so then the judge 11 goes on to say: 12 "Apparently admonishments such as 13 these were not limited to e-mail correspondence 14 that was, in fact, legitimate work-product or 15 attorney-client privileged matters. We know this 16 because Syngenta has produced such e-mails, for 17 which the court credits counsel for Syngenta." 18 Do you see that? 19 A. I do. 20 Q. And so you will agree with me that 21 the court in 2012 -- the Illinois state court in 22 2012 found that Syngenta was misusing the 23 attorney-client privilege labeling on the 24 documents?

Page 34 1 MR. NARESH: Objection to the 2 form. 3 THE WITNESS: No. 4 BY MS. WAGSTAFF: 5 Q. You don't agree with that? 6 A. I don't. 7 Q. Okay. How -- what -- what do I have 8 wrong there? 9 A. Well, first of all, that was not a 10 policy. That was a statement by one employee. 11 And if you read the following 12 paragraph: 13 "The court has also seen evidence 14 that the defendant's in-house counsel has taken 15 steps to correct misstatements about the 16 applicability of work-product privilege and has 17 counseled employees on the use of these 18 'Privileged & Confidential' designations on their 19 e-mails." 20 Q. Okay. And so I've been practicing 21 law not as long as you, but I've never seen an 22 order like this before, have you? 23 A. No. 24 Q. No. Okay.	Page 36 1 MS. WAGSTAFF: Sure. 2 MR. NARESH: Let's go off the 3 record for just one minute. 4 THE VIDEOGRAPHER: The time is 5 9:24 a.m. We are now off the record. 6 (Recess.) 7 THE VIDEOGRAPHER: Time is 8 9:25 a.m. We are now on the record. 9 MR. NARESH: And just for the 10 record, off the record counsel for 11 plaintiffs and myself for Syngenta agreed 12 that, given that this is noticed in 13 multiple jurisdictions and different 14 rules apply, objections as to form, 15 foundation, and the like, we'll preserve 16 those objections to a later date with no 17 need to go off the record to attempt to 18 resolve those depositions 19 contemporaneously at this time, and we'll 20 preserve those until a later date. 21 MS. WAGSTAFF: Agree. 22 (Document marked for 23 identification as Nadel Exhibit 3.) 24 BY MS. WAGSTAFF:
Page 35 1 And then the court goes on to order 2 defendant, which is Syngenta -- and this was in a 3 litigation from it looks like Holiday Shores 4 Sanitary District -- 5 A. Correct. 6 Q. -- versus Syngenta. 7 So the court goes order Syngenta to 8 issue a written directive to its employees within 9 14 days to cease copying you -- 10 A. Uh-huh. 11 Q. -- on all e-mails as a matter of 12 course; is that right? 13 A. Yes. 14 Q. Okay. And so let's look and see 15 what the policy and procedure was in this 16 litigation. 17 MR. NARESH: If you're -- if 18 you're pivoting, I realize there's a 19 housekeeping thing that we should 20 probably address on the record. 21 MS. WAGSTAFF: Sure. 22 MR. NARESH: And we can do 23 it -- you want to do it off the record 24 for a second?	Page 37 1 Q. All right. Mr. Nadel, I have handed 2 you what I have marked as Exhibit 3 which begins 3 with Syngenta PQ-31449369. 4 A. Yes. 5 Q. Let me know when you've had a chance 6 to review the document. 7 A. (Reviews document.) 8 Okay. 9 Q. All right. Have you seen this 10 document before? 11 A. I may have. I don't really recall 12 it. 13 Q. Okay. So we were just talking about 14 a 2012 court order wherein the court was talking 15 about Syngenta's practice of cc'ing you as 16 in-house counsel on non-privileged communication 17 to try to attach the attorney-client privilege, 18 right? 19 A. I wouldn't characterize it that way. 20 Q. Well, we were just talking about the 21 2012 order where the Illinois court admonished 22 Syngenta for improperly using the attorney-client 23 privilege; is that right? 24 A. No, I don't agree.

Page 38 1 MR. NARESH: Objection to 2 form. 3 BY MS. WAGSTAFF: 4 Q. Okay. Well, the document will speak 5 for itself. 6 A. Yes. 7 Q. Let's talk about what we were 8 actually doing -- what -- I'm sorry. 9 Let's talk about what Syngenta was 10 actually doing as a policy and procedure in the 11 paraquat matters. Okay? 12 A. Uh-huh. Yes. 13 Q. So this is an e-mail from -- if you 14 look at the bottom -- from Jonathan Sullivan to 15 Angela Brady and you, right? 16 A. Correct. 17 Q. And that was on January 18th of 18 2008; is that right? 19 A. Yes. 20 Q. Okay. And who was Angela Brady? 21 A. I believe at the time she was the 22 global head of regulatory affairs. 23 Q. Okay. 24 MR. NARESH: And, again,	Page 40 1 in agreement that -- that by not 2 objecting I'm not waiving any sort of 3 privilege, and that will be revisited at 4 a later date as to whether or not any of 5 the testimony is, in fact, privileged. 6 And if that's incorrect, 7 please let me know. 8 MS. WAGSTAFF: That's correct. 9 MR. NARESH: Okay. 10 MS. WAGSTAFF: I forgot my 11 question now. So. 12 MR. NARESH: I'm sorry. Yeah. 13 Sorry about that. 14 BY MS. WAGSTAFF: 15 Q. All right. I think I was just 16 saying this is an e-mail from Mr. Sullivan to 17 Angela Brady and you; is that right? 18 A. Yes. 19 Q. And it was sent on January 18, 2008; 20 is that correct? 21 A. Correct. 22 Q. And you were telling me that 23 Ms. Brady was in regulatory affairs? 24 A. I believe at the time she was the
Page 39 1 trying to get these standing ones out of 2 the way so I don't have to each time. 3 We have a stipulation that 4 under paragraph 3 of the stipulation says 5 that we, as Syngenta, may allow the 6 questioning without waiver of any claim 7 as to attorney-client privilege, the 8 attorney work product doctrine. 9 Do you want me to make an 10 objection kind of make a record on each 11 question, each document, or can we have a 12 standing objection? 13 MS. WAGSTAFF: We can have a 14 standing objection. Yeah. 15 MR. NARESH: Okay. So I 16 will -- 17 MS. WAGSTAFF: Are we going to 18 enter that as an exhibit? We can enter 19 it as an exhibit if you want. 20 MR. NARESH: We can. That's 21 fine. So for the record, I will not 22 object each time a question calls or 23 potentially calls for attorney-client 24 privilege, and the parties, I think, are	Page 41 1 head of -- global head of regulatory affairs. 2 Q. Okay. And at this time, 3 Mr. Sullivan was your boss, right? 4 A. No. 5 Q. No. 6 What was his role? 7 A. It -- I can't be sure on the timing. 8 He was either the crop protection global general 9 counsel or the group litigation counsel. I don't 10 remember exactly when his role changed. 11 Q. Okay. But either way, during this 12 time period, Mr. Sullivan was in the legal 13 department? 14 A. Correct. 15 Q. Working in the litigation 16 department? 17 A. Not necessarily. 18 Q. Okay. But at all times that 19 Mr. Sullivan worked at Syngenta, he was in the 20 legal department? 21 A. Yes. 22 Q. Okay. And does Mr. Sullivan still 23 work there? 24 A. No.

Page 42 1 Q. All right. And what Mr. Sullivan 2 writes to Ms. Brady and cc's you, it says: 3 "In response to the query in your 4 message of earlier today, I would ask that you 5 send the templates and drafts in the first 6 instance to me and Alan Nadel (only)." 7 You see that? 8 A. I see that. 9 Q. Okay. And then he goes on to state 10 that she should put that it's "CONFIDENTIAL AND 11 PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT." 12 Do you see that? 13 A. I do see that. 14 Q. Okay. And then -- then he writes: 15 "This will allow us to argue that 16 the materials are privileged from disclosure, 17 although there is no guarantee that this argument 18 will be successful as it is reasonably clear that 19 the materials will not come into existence for the 20 dominant purpose of being used in connection with 21 litigation that is either contemplated or pending 22 and at least questionable whether they will be 23 generated for the purpose of seeking legal advice 24 or assistance."	Page 44 1 right? 2 MR. NARESH: Objection to 3 form. 4 THE WITNESS: Well, I mean, he 5 says what he says here. 6 BY MS. WAGSTAFF: 7 Q. And that's what -- 8 A. I don't want to characterize it. I 9 can -- I can tell you what he says. 10 Q. Okay. Well, let's break it down. 11 A. Yeah. 12 Q. So he says that it is relatively 13 clear that these documents will not come into 14 existence for the dominant purpose of being used 15 in connection with litigation that is either 16 contemplated or pending. 17 Do you see that? 18 A. I do. 19 Q. So that means that they are not 20 protected by any attorney-client work product, 21 right? 22 MR. NARESH: Objection to 23 form. 24 THE WITNESS: I don't think a
Page 43 1 Do you see that? 2 A. I do. 3 Q. So what Mr. Sullivan is saying is 4 although these documents probably are not 5 confidential and privileged under the 6 attorney-client work product, he's instructing her 7 to label them as such? 8 MR. NARESH: Objection to 9 form. 10 THE WITNESS: Well, he is -- 11 he is instructing her to label them as 12 such. Yes, that is true. 13 BY MS. WAGSTAFF: 14 Q. And he says: 15 "It is reasonably clear that the 16 materials will not come into existence for the 17 dominant purpose of being used in connective -- 18 connection with litigation." 19 Do you see that? 20 A. I -- yeah, I see what he says here. 21 Uh-huh. 22 Q. And so what he's saying is that it 23 is reasonably clear that these documents are not 24 attorney-client privilege, but mark them as such,	Page 45 1 determination was ever made as to whether 2 they are or are not protected. 3 BY MS. WAGSTAFF: 4 Q. Okay. So documents that are -- not 5 do not come into existence for the dominant 6 purpose of being used in connection with 7 litigation that is contemplated or pending do not 8 qualify for the attorney-client privilege, right? 9 A. I think documents that are not 10 generated for the purpose of either providing 11 legal advice or requesting legal advice do not 12 necessarily fall under the attorney-client 13 privilege. 14 Q. Okay. All right. So it looks like 15 the same policy is in place as was in the paraquat 16 litigation as what was used in the 2012 order of 17 just cc'ing legal to try to get the 18 attorney-client privilege -- 19 A. No. 20 Q. -- established? 21 A. No. 22 MR. NARESH: Objection to 23 form. 24 BY MS. WAGSTAFF:

Page 46 1 Q. No. Okay. 2 And let's look at some other 3 communication. 4 A. Uh-huh. 5 Q. And this was a year earlier I 6 believe. 7 (Document marked for 8 identification as Nadel Exhibit 4.) 9 BY MS. WAGSTAFF: 10 Q. And this was, again, from 11 Mr. Sullivan. Let me know when you've had a 12 chance to -- 13 MR. NARESH: This is 4? 14 MS. WAGSTAFF: Yeah. 15 BY MS. WAGSTAFF: 16 Q. This is Syngenta PQ-29316176. 17 Let me know when you've had a chance 18 to review that. 19 A. (Reviews document.) 20 Yes. 21 Q. All right. Have you seen this 22 document before? 23 A. I may have. 24 Q. Okay. But you're cc'ed on this	Page 48 1 regarding an alleged association between exposure 2 to Paraquat and Parkinson's Disease." 3 Did I read that correctly? 4 A. Yes. 5 Q. And it says: 6 "While this analysis continues, it 7 is critical that any written communications 8 including, e-mail, regarding this issue be kept to 9 a minimum." 10 A. Yes. 11 Q. Why? Why would that -- why would 12 that be critical? 13 A. You'd have to ask him what he meant 14 by that. I don't know what was in his mind. 15 Q. You have no opinion? 16 A. I don't have an opinion. I mean, I 17 don't want to characterize his thinking. 18 Q. Well, when you received it, what did 19 you -- what did you think? 20 A. I don't recall what I thought. 21 Q. You don't know why it's critical to 22 not put anything in writing? 23 A. Again, I don't. That was his 24 statement, and I really don't want to try to
Page 47 1 document, right? 2 A. I am. 3 Q. Okay. And it's sent to the 4 "Circulation List." 5 You see that? 6 A. Yes. 7 Q. Which is, I assume, Syngenta 8 employees? 9 A. At that time, correct. 10 Q. Okay. And it's -- we're going to 11 talk about your involvement in the paraquat 12 litigation in a minute -- 13 A. Okay. 14 Q. -- but I'm just sort of circling 15 around the edges here. 16 So in July -- I'm sorry. 17 On June 21, 2007, it looks like 18 Mr. Sullivan sent a letter to -- an internal 19 letter to Syngenta employees and cc'ed you and 20 others, right? 21 A. Yes. 22 Q. It says: 23 "As you are aware, Syngenta is in 24 the process of analyzing the available data	Page 49 1 interpret it. 2 Q. Okay. Well, let's look at a 3 PowerPoint you gave. 4 What number is that? 5 Let's look at a PowerPoint that you 6 gave so we can see if this sort of refreshes a 7 memory of yours. 8 A. Uh-huh. 9 MS. WAGSTAFF: This will be -- 10 yeah -- 5. 11 (Document marked for 12 identification as Nadel Exhibit 5.) 13 BY MS. WAGSTAFF: 14 Q. This is an e-mail. 15 A. (Reviews document.) 16 Okay. 17 Q. All right. And this is a document 18 that you made, right? 19 A. I think that I made parts of it, not 20 the entire document. 21 Q. Okay. If you look in the front 22 first page, it says "Andy Cook & Alan Nadel." 23 Syngenta cites you as one of the 24 authors?

Page 50 1 A. I see that. 2 Q. Do you see that? 3 A. Correct. Uh-huh. 4 Q. Okay. So you're familiar with this 5 document? 6 A. I am. 7 Q. Okay. I call it the Think Before 8 You Write document -- 9 A. Okay. 10 Q. -- because that's what it says on 11 the front page. 12 A. It does say that. Yeah. 13 Q. Did you come up with that phrase? 14 A. I don't know if I did or someone 15 else in the legal department actually came up with 16 it. 17 Q. Okay. So this was a document 18 created by the legal department to teach Syngenta 19 employees not to put certain things in writing? 20 A. No. 21 Q. To "Think Before You Write," 22 correct? 23 A. Yes. Good practice. 24 Q. So to not put certain documents --	Page 52 1 MR. NARESH: Object to form. 2 BY MS. WAGSTAFF: 3 Q. Okay. So you know what he meant? 4 A. I didn't want to characterize what 5 he meant. 6 Q. Okay. 7 A. I think you should ask him what he 8 meant. 9 Q. Okay. Well, he won't sit for a 10 deposition, so I'm asking you what he meant 11 because -- 12 A. I'm not going to characterize what 13 he meant. 14 Q. Okay. Well, it leads to the module 15 that you were teaching that you created in the 16 legal department and that you were teaching 17 Syngenta employees as to what to put in writing 18 and what not to put in writing? 19 A. I don't know what you mean by "leads 20 to the module." I'm not sure what you mean by 21 that. 22 Q. Well, it's called module. 23 A. It is. 24 Q. Right.
Page 51 1 this is relating to the 2007 letter that 2 Mr. Sullivan sent out that we just discussed? 3 MR. NARESH: Object to the 4 form. 5 THE WITNESS: I'm not sure 6 what you mean "relating to" it. 7 BY MS. WAGSTAFF: 8 Q. Well, it's the same philosophy. 9 Mr. Sullivan's letter in 2007 told 10 people that it was critical -- let's get the 11 language right -- that it was critical not to put 12 certain things -- to -- that it was "critical that 13 any written communications, including e-mail, 14 regarding this issue be kept to a minimum." 15 A. I don't think that language is in 16 here. 17 Q. That's in Mr. Sullivan's 2007 18 letter? 19 A. Yes, it is. 20 Q. Okay. That you said that you didn't 21 have any idea what he meant? 22 MR. NARESH: Object to -- 23 THE WITNESS: No, I didn't say 24 that.	Page 53 1 A. What do you mean that that leads to 2 this? 3 Q. Okay. So my -- 4 MR. NARESH: Can I make a 5 representation about this hard copy 6 document? Is there a date and e-mail 7 attached? We don't know what the date is 8 or how it relates. 9 MS. WAGSTAFF: Sure. Here is 10 the e-mail attached. This is document 6. 11 MR. NARESH: Okay. Thank you. 12 (Document marked for 13 identification as Nadel Exhibit 6.) 14 MS. WAGSTAFF: And the witness 15 has said he's familiar with it and that 16 he created it. So I think foundation has 17 been laid but... 18 BY MS. WAGSTAFF: 19 Q. So what I'm saying is that in 2007, 20 a member of the litigation team writes an e-mail 21 out to the company telling Syngenta employees that 22 it's critical that communication about the 23 association between paraquat and Parkinson's be 24 kept to a minimum.

Page 54 1 A. It says what it says. 2 Q. Okay. You said that you didn't know 3 how to interpret that. 4 A. I didn't say that. 5 Q. Okay. Well, the record will stand 6 for itself. 7 A. Uh-huh. 8 Q. And then we find a module, which is 9 a PowerPoint sort of a class that you were 10 teaching to Syngenta employees on how to think 11 before you write, how to keep certain things out 12 of litigation. 13 MR. NARESH: Objection to the 14 form. 15 THE WITNESS: I would 16 disagree with that characterization. 17 BY MS. WAGSTAFF: 18 Q. Okay. So let's turn to the second 19 page. We've just noticed that you -- did you see 20 the little Bates at the bottom? 21 A. I do. 22 Q. Okay. I'm going to -- I'm actually 23 going to refer to the PowerPoint numbers right 24 here if you look --	Page 56 1 Q. That -- why did you write that then? 2 A. Well, it's something you should 3 think about before you communicate. It's -- it's 4 a fact to think about. 5 Q. Okay. And we'll keep going on that. 6 A. Uh-huh. 7 Q. And then it says: 8 "Think Before You Write"? 9 MR. NARESH: What page? 10 MS. WAGSTAFF: 3. I'm just 11 kind of going through. 12 THE WITNESS: Yes. 13 BY MS. WAGSTAFF: 14 Q. And that's -- that -- that was 15 important to you to teach the Syngenta employees 16 to "Think Before You Write"? 17 A. I think it's important to everyone. 18 Q. Okay. And then if you look at the 19 -- these were notes at the bottom that you and 20 Mr. Cook were -- those were your talking points 21 when you were giving the presentation, right? 22 A. I didn't -- I don't -- I'm trying to 23 remember if I actually gave this presentation or 24 not. I don't -- I don't remember.
Page 55 1 A. Okay. 2 Q. -- when I talk about it. 3 A. Sure. 4 Q. I think that will be easier. 5 So this is a module that Andy Cook 6 and yourself made for internal use only. 7 And Andy was in the regulatory and 8 product safety functions at Syngenta, right? 9 A. I believe that's correct. 10 Q. Okay. And why -- page 2 says: 11 "Why do we need to know about good 12 practise in communication?" 13 A. Uh-huh. 14 Q. The third thing says: 15 "Potential implications in future 16 litigation." 17 Right? 18 A. Yes. 19 Q. All right. So you were teaching the 20 Syngenta employees how to keep written 21 communication out of future litigation. 22 A. No. 23 Q. You weren't? 24 A. No.	Page 57 1 Q. Okay. And then the last sentence of 2 page 3 of the talking points before you turn the 3 page -- 4 A. Uh-huh. 5 Q. -- says: 6 "We have probably all seen examples 7 of e-mails and other documents leaked to media 8 organisations or shown as part of ongoing 9 litigation which the authors no doubt wish they 10 had never written." 11 Right? 12 A. Yes. 13 Q. So you're teaching Syngenta 14 employees how to keep documents and communication 15 out of litigation -- 16 A. No. 17 Q. -- right? 18 A. No, I don't believe that's correct. 19 Q. Okay. You just happen to keep 20 discussing litigation? 21 A. Well, yes, it was discussed in this 22 PowerPoint. 23 Q. Okay. And then the next page, on 24 page 4 of "Think Before You Write," you are

Page 58 1 instructing Syngenta employees that for sensitive 2 matters that they should pick up the telephone 3 instead of putting in writing, right? 4 A. Well, to consider whether they 5 should. 6 Q. Okay. And those are particularly 7 those relating to human -- assessment of human or 8 environmental risks that they're -- they should 9 pick up and -- and call the person instead of 10 putting in writing, right? 11 A. Or they should consider doing that. 12 Q. Okay. And that they should not put 13 anything in writing that could have the potential 14 to damage Syngenta's reputation or negatively 15 impact future litigation. 16 A. Doesn't say that. 17 MR. NARESH: Objection to 18 form. 19 BY MS. WAGSTAFF: 20 Q. Okay. It says: 21 "Inappropriate written 22 communications have the potential to damage 23 Syngenta's reputation and/or negatively impact 24 future litigation."	Page 60 1 A. Yes. 2 Q. And does Syngenta record phone calls 3 between its employees? 4 A. Can you explain what you mean by 5 that? I'm not sure. 6 Q. Does Syngenta record the phone calls 7 between two employees? 8 A. I have absolutely no idea. 9 Q. You don't know as head of global 10 litigation that -- 11 A. I do. 12 Q. -- when you pick up the phone and 13 you call your colleague down the hall if it's 14 being recorded? 15 A. I -- I don't believe it is, no. 16 Q. Okay. So by calling your employee 17 instead of putting it in writing, there's no way 18 the jury could hear about that communication; is 19 that right? 20 A. Well, I would -- I don't know if 21 that's correct, and I don't know that I agree with 22 that. 23 Q. So if the calls aren't recorded, how 24 would the jury hear about that communication?
Page 59 1 Right? 2 A. It does say that. 3 Q. Okay. And then if you turn to 4 page 5, you're, once again, talking about warning 5 the employees about litigation and keeping their 6 communications out of litigation. 7 You see the talking point? It says: 8 "Although there is a number of ways 9 by which a document never intended to enter the 10 public domain may later do so, one of the most 11 obvious is through future litigation." 12 A. It does say that. 13 Q. "This litigation may not originate 14 in the country, territory or region which you 15 operate." 16 A. Does say that, yes. 17 Q. "The scope of the so-called 18 'Discovery' process is very broad and includes 19 elements which you may not have previously 20 considered, personal handwritten notes of 21 meetings, instant messages, handwritten notes you 22 make on hard copy documents or publications or 23 voicemail." 24 Do you see that?	Page 61 1 A. I don't know. 2 Q. Okay. And if you look at page 6, 3 "Writing for the Wrong Reasons" is what this page 4 is called. 5 A. Yes. 6 Q. And this talks about things you 7 should not put in writing, correct? 8 A. Well, it says "Writing for the" -- 9 things that you might write for the wrong reasons. 10 Yeah. 11 Q. Right. 12 So these are topics that you should 13 not put in writing? 14 A. It doesn't say that. It says 15 "Writing for the Wrong Reasons." 16 Q. Okay. And then if you look down at 17 the notes. 18 A. Uh-huh. 19 Q. The talking about midway through. 20 If you want to look at where my highlighter is so 21 you can -- right here just to kind of midway 22 through. 23 A. Okay. 24 MR. NARESH: And feel free to

Page 62 1 read whatever you want in it. 2 Ms. Wagstaff can direct you to whatever 3 she'd like to, but you have the right to 4 review the document. 5 THE WITNESS: Yeah, uh-huh. 6 BY MS. WAGSTAFF: 7 Q. Oh, yeah, for sure. Just assume any 8 document I put in front of you, if I didn't make 9 it clear before, take all the time you want to 10 read it. I'm not rushing you through any of this. 11 A. (Reviews document.) 12 Yes. 13 Q. Okay. It says that: 14 "Humour or anger most unlikely to be 15 best expressed through e-mail communications, 16 particularly where it is inappropriately 17 juxtaposed with an otherwise serious message 18 regarding the formulation of a technical or 19 regulatory position." 20 Is that correct? 21 A. Yes. 22 Q. So this is -- this was you-all 23 counseling Syngenta employees not to use humor or 24 anger in their e-mails, right?	Page 64 1 adversely impacted ongoing litigation"? 2 A. Just a statement of fact. 3 Q. Okay. And you're -- you're warning 4 the Syngenta employees that that is a wrong reason 5 to put something in an e-mail; is that right? 6 A. Well, it's not -- I don't think it's 7 characterized that way. 8 Q. Okay. How long had you been general 9 counsel before this PowerPoint was created? 10 A. I'm not the general counsel. 11 Q. Or how long had you been in the 12 litigation department? 13 A. Since I joined the company and its 14 predecessors. 15 Q. Okay. And had you prepared a 16 PowerPoint like this before this date? 17 A. Before the date of this document? 18 Q. Uh-huh. 19 A. I don't know when this was 20 originally prepared. I think it was actually 21 prepared before I moved to Greensboro. 22 Q. And you said earlier off the record 23 I think you moved to Greensboro? 24 A. 1996.
Page 63 1 A. Well, it says what it says. I think 2 it's good communication practice. 3 Q. To not use humor, angle -- anger in 4 e-mails? 5 A. Yeah. 6 Q. Okay. And then you go on to say: 7 "Do not be expressly critical, 8 mocking or insulting of people of their -- people 9 or their views in documents or e-mails. There are 10 examples where e-mails critical of regulatory 11 agencies or individuals working within them have 12 subsequently entered the public domain and 13 adversely impacted ongoing litigation." 14 Do you see that? 15 A. I do. 16 Q. So what you're telling employees is 17 that even if they are critical of regulatory 18 agencies or the people working in them, don't put 19 that in writing? 20 A. No. 21 Q. Well, you're telling them that 22 "examples where e-mails critical of regulatory 23 agencies or individuals working within them have 24 subsequently entered the public domain and	Page 65 1 Q. Okay. Was the only reason this 2 document was created was because of the threat of 3 litigation? 4 A. I wouldn't put it that way, no. 5 Q. Okay. Was the direction to Syngenta 6 employees to avoid putting information in writing, 7 was that specific to the threat of litigation? 8 A. No. 9 Q. Okay. And then you go on the 10 next page, page 7, and you say in your -- your 11 talking points: 12 "I have tried give guidance on what 13 is and what isn't appropriate, here is a series of 14 questions you should ask yourself when creating or 15 sending e-mails or other documents." 16 A. Yeah, I don't know if actually I put 17 that talking point in there. I'm -- I'm not sure 18 who created it. I can't quite recall, but I see 19 it here. 20 Q. Okay. And this was a document 21 that -- that Syngenta has credited you with being 22 the coauthor of? 23 A. It does credit me, yes. 24 Q. Okay. And the last sentence that

Page 66 1 you're telling your employees that you should 2 ask -- that they should ask is: 3 "Would you be happy to explain what 4 you intended when called as a witness at trial?" 5 A. It does say that. 6 Q. So, again, you're counseling almost 7 in every slide the employees to think before they 8 put stuff in writing because it could end up in 9 litigation, is that? 10 A. No. 11 Q. Okay. And then if you turn to page 12 12 of the PowerPoint? 13 A. Yes. 14 Q. "Do's and don'ts." That's pretty 15 clear, right? 16 A. It says that. 17 Q. And if you actually go back to page 18 11 because let's look at the Do's. 19 "Do think before you write." 20 A. Yes. 21 Q. Right? We've been talking about 22 that being the name of the PowerPoint. 23 A. Uh-huh. 24 Q. "Do write only what you know."	Page 68 1 Q. So don't. These are things that -- 2 that you as one -- you and Alan Cook were telling 3 Syngenta employees do not put this stuff in 4 writing? Don't? 5 A. Well, what it says, it says 6 "Don'ts." 7 Q. Yeah. "Do's and Don'ts" and these 8 are the "Don'ts"? 9 A. And then it says what the don'ts 10 are. 11 Q. Yeah. 12 A. yeah. 13 Q. It says: 14 "Don't issue a memo for memo's 15 sake -- pick-up the phone!!" 16 A. Yes. 17 Q. And we talked about that earlier. 18 Picking up the phone, there's no 19 record of a phone call conversation, "pick up the 20 phone." 21 A. I'm not in the IT department. I 22 don't believe Syngenta's calls between employees 23 are recorded. 24 Q. Okay. And then it says:
Page 67 1 A. Yes. 2 Q. "Do regularly purge your files of 3 unnecessary documents where not covered by legal 4 hold notice." 5 Do you see that? 6 A. Yes. 7 Q. Including your hard drives? 8 A. Yes. 9 Q. So you're telling the Syngenta 10 employees that they should regularly purge their 11 hard drives, right? 12 A. If not covered by legal hold and 13 pursuant to the document retention policy. 14 Q. Okay. And it says: 15 "Treat e-mail as a formal corporate 16 document." 17 A. Yes. 18 Q. And "to copy only those who need to 19 know." 20 A. Yes. 21 Q. All right. And then it goes to 22 don't, and these don'ts, these are -- these are 23 things you should not put in writing, correct? 24 A. Well, it says these are don'ts, yes.	Page 69 1 "Don't record the fine details in 2 meeting minutes." 3 Do you see that? 4 A. It does say that. 5 Q. And why -- why would that be so? 6 A. Because meeting minutes are a 7 summary of -- of what took place. It's not a 8 verbatim transcript. 9 Q. If people wanted to take details, 10 though, so that they could remember what happened 11 in the meetings, here you are as a legal 12 representative telling them that -- that they 13 should not do that, right? 14 A. Well -- 15 MR. NARESH: Objection to the 16 form. 17 THE WITNESS: -- it says what 18 it says. It says "Don't record the fine 19 details in meeting minutes." 20 BY MS. WAGSTAFF: 21 Q. Okay. And then it says: 22 "Don't paraphrase documents or 23 advice received from legal." 24 Do you see that?

Page 70 1 A. I do. 2 Q. And then it's your -- then you are 3 telling Syngenta employees not to write or comment 4 in the margin of completed or finalized documents, 5 i.e. external publications. 6 Do you see that? 7 A. I see that. 8 Q. And why -- why would that be so? 9 A. Because a document is a document 10 and, you know, there's -- there's no reason to 11 take a particular document and write comments on 12 it. You can make comments separately from the 13 actual document. 14 Q. But if there is someone who -- it 15 says, i.e. external publications? 16 A. Uh-huh. 17 Q. That would mean like scientific 18 publications, medical journals, things of that 19 nature? 20 A. Yes. 21 Q. And so you're telling people not to 22 print out a copy of a medical journal and write 23 their own notes on them in the margins? 24 A. We're not telling them not to	Page 72 1 of documents, i.e. or example, meeting minutes or 2 technical position papers, once the final document 3 has been completed." 4 Do you see that? 5 A. I do. 6 Q. So what you were telling Syngenta 7 employees is, once there's a final document, 8 delete all drafts? 9 A. I didn't -- it doesn't say that. 10 Q. Says "Don't keep drafts"? 11 A. It does say that. Uh-huh. 12 Q. So what does "Don't keep drafts 13 then"? 14 A. It says -- it says -- 15 Q. Does that mean delete them? 16 A. No, it's not saying delete them. It 17 just says -- it says what it says. 18 Q. Okay. So using the plain language 19 of English and the way that normal people 20 interpret words -- 21 A. Uh-huh. 22 Q. -- what does "Don't keep drafts" 23 mean? Does that mean delete them? 24 A. Well, when you say "delete them," I
Page 71 1 comment, just not to comment on the document. 2 Q. That's because that document could 3 be discovered in litigation? 4 A. No. Their notes anywhere could be 5 discovered in litigation. The document itself is 6 a document and, you know, you're creating an 7 additional document by putting notes on it. 8 Q. And it has nothing to do with the 9 fact that their mental impressions could then be 10 discovered in litigation? 11 A. No. 12 Q. And then it goes on to say examples 13 of don'ts on the next page. 14 A. Yes. 15 Q. Oh, actually, if you go back. I'm 16 sorry. Go back to page 12. The last point says: 17 "Don't keep drafts once a document 18 has been finalized." 19 Do you see that? 20 A. It does say that. 21 Q. And then if you look at the bottom, 22 on the talking notes it says, the very last one, 23 it says: 24 "Don't keep working drafts -- drafts	Page 73 1 mean, that would apply to a computer document. It 2 doesn't apply to a written document. 3 Q. Okay. So purge them, throw them 4 away, delete them. 5 A. Oh, you -- well, we have a -- 6 there's a record retention policy, which you have 7 to, you know, you have to keep documents according 8 to the record retention policy. 9 Q. That doesn't say that. 10 That says: 11 "Don't keep drafts once a document 12 has been finalized." 13 A. It does say that. 14 Q. So can we agree that that means to 15 purge them either by throwing them away or 16 deleting them from your computer? 17 A. It could mean that, yes. 18 Q. Okay. And then if you turn to the 19 next page, page 13, talking about examples of 20 don'ts lest anyone be confused. 21 A. Uh-huh. 22 Q. These are specific things that 23 people should not say, right? 24 A. Well, these are examples.

Page 74 1 Q. Of things that you do not want 2 Syngenta employees to put in writing? 3 A. It doesn't say that. 4 Q. Okay. Examples of don'ts. 5 A. Yes. 6 Q. And if you look back, it says "Do's 7 and Don'ts" of what to put in writing. 8 This whole thing is about "Think 9 Before You Write"? 10 A. It is. Uh-huh. 11 Q. Okay. So these are examples of 12 things not to put in writing? 13 A. Well, these are examples of things 14 that we would say are not good communication 15 practices. 16 Q. And, thus, you shouldn't put them in 17 writing? 18 A. It's not -- it doesn't say that. 19 Q. Okay. So you want the jury to 20 believe that this is not an example of what they 21 shouldn't put in writing based on the PowerPoint 22 and the intent of the PowerPoint called "Think 23 Before You Write"? 24 A. The jury can -- will decide for	Page 76 1 Q. Okay. So what you're telling 2 employees not to say is -- one example is: 3 "I really can't see how we have been 4 getting away with what appears to be an 5 unscientifically justified approach." 6 A. This is not -- this is an example. 7 Q. Yeah, yeah, that's what I said. 8 A. Uh-huh. 9 Q. Probably a hundred times. 10 A. Okay. 11 Q. An example of something not to put 12 in writing. 13 If an employee felt that way, why 14 wouldn't -- why wouldn't it be okay to put that in 15 writing? 16 A. Employees will make whatever 17 decisions they make. These are examples of things 18 that we consider to be poor communication 19 practices. 20 Q. Okay. But if -- if an employee felt 21 -- 22 A. Uh-huh. 23 Q. -- that Syngenta has been getting 24 away with what appears to be an unscientifically
Page 75 1 itself what they mean. 2 Q. Okay. I mean, I think that, you 3 know, saying the document says what the document 4 says is -- is fine if that's the approach you want 5 to take. 6 But we both speak English and we can 7 understand language and there are plain meanings 8 of language and if it says don't -- 9 A. Uh-huh. 10 Q. -- examples of don't, you're telling 11 me that this is not examples of things you 12 shouldn't put in writing? 13 MR. NARESH: Object to the 14 form. 15 THE WITNESS: It's an example 16 of a poor communication practice. 17 BY MS. WAGSTAFF: 18 Q. And this whole e-mail -- this whole 19 PowerPoint is about not using poor communication 20 practice in writing, correct? 21 A. Yes. 22 Q. Okay. So this is -- these are 23 examples of what not to put in writing? 24 A. Okay. I'll accept that.	Page 77 1 justified approach, why couldn't they put that in 2 writing? 3 A. Employee can do whatever they want. 4 They're not -- we're not -- we can't order 5 employees what to do. We're just giving examples 6 of things. 7 Q. Sure. I understand that. 8 A. Uh-huh. 9 Q. You can't -- you don't tie up the 10 employees and control their fingers when they type 11 their e-mails. 12 A. Correct. Uh-huh. 13 Q. However, these -- this is a senior 14 litigation member telling employees that even if 15 they feel that something is unscientifically 16 justified, do not put it in writing? 17 A. Well, I don't think it says that. 18 It's just an example of things that have been done 19 in other situations. 20 Q. Okay. And then if you turn the next 21 page, it talks about how -- we're on 14. It talks 22 about how "Syngenta has drawn up four 23 classifications to be used on all documents." 24 A. I see that.

Page 78 1 Q. Public -- the four classifications 2 are "PUBLIC, INTERNAL USE ONLY, CONFIDENTIAL & 3 SECRET"?" 4 A. Yes. 5 Q. You see that? 6 A. Uh-huh. 7 Q. And "SECRET" is defined as: 8 "Information which -- if disclose -- 9 if disclosed -- could cause serious damage to the 10 interests of Syngenta, up to the point of 11 endangering the very existence of the 12 organization." 13 A. I see that. 14 Q. Right? 15 That doesn't mention anything about 16 being covered by the attorney-client privilege or 17 the attorney-client doctrine, right? 18 A. It doesn't say that. 19 Q. That just says that it could cause 20 serious damage and endanger the existence -- 21 A. Uh-huh. Yes. 22 Q. -- of Syngenta; is that right? 23 A. Yes. 24 Q. And then if you look up here, it	Page 80 1 A. I do. 2 Q. All right. Do you know if that 3 module was ever created? 4 A. I don't recall it being created. 5 MS. WAGSTAFF: Okay. We would 6 ask that if it was created that counsel 7 produce it or at least we can discuss. 8 BY MS. WAGSTAFF: 9 Q. And so this was further guidance on 10 how to deal with written communication in a 11 litigious environment? 12 A. That's what it says but, again, I'm 13 not sure that that module was ever created. 14 Q. Okay. You can put that away. 15 A. Uh-huh. 16 MS. WAGSTAFF: And then I will 17 at another document relating to 18 communication with you. This will be 19 document 7. Exhibit 7. 20 (Document marked for 21 identification as Nadel Exhibit 7.) 22 BY MS. WAGSTAFF: 23 Q. Oh, I need to put that on your 24 document. Sorry. And you can take a minute and
Page 79 1 says e-mail -- in the words: 2 "E-mails are not normally classified 3 but an appropriate default for internal 4 communication is 'CONFIDENTIAL.'" 5 Do you see that? 6 A. I see that. 7 Q. So the default communication for all 8 internal Syngenta communication is that it's 9 confidential? 10 A. That's what it says "Confidential." 11 Q. Okay. All right. And then at the 12 last page, "Think Before You Write," you and 13 Mr. Cook tell -- in the talking points tell the 14 Syngenta employees: 15 "More specific guidance on working 16 practices for those within the Regulatory and 17 Product Safety communication involved in actual or 18 pending litigation will be delivered via an 19 Advanced RaSE module "Good working practise in 20 communications within the Regulatory and Product 21 Safety communication -- or Product Safety 22 community: working in an increasingly litigious 23 external environment." 24 Do you see that?	Page 81 1 I'll just read into the record the Bates of the 2 last two since I'm not sure that I did that. 3 Exhibit 5 was 4 Syngenta-PQT-ART-11675389 through 404. And 6 was 5 Syngenta PQT-ATR-11675388. And this document 6 number 7, Exhibit Number 7 is Syngenta 7 PQ-31434771. 8 And let me know, sir, when you're 9 ready to go. 10 A. (Reviews document.) 11 Yes. 12 Q. All right. And this is an e-mail 13 cascade that starts in -- on March 25, 2008. 14 Do you see that? 15 A. I do. 16 Q. Okay. And it goes through March 27, 17 2008. So it's over the course of two days, right? 18 A. Yes. 19 Q. And we'll get to the sort of the 20 meat of this e-mail later, but I just to -- to 21 sort of get -- so the jury can see a flavor of 22 what's going on with the policy and procedure of 23 attorney-client privileged information, I wanted 24 to talk about the last portion of the e-mail,

Page 82 1 which is a response by Mr. Sullivan that we've 2 talked about earlier, right? 3 A. I'm sorry? 4 Q. Talking about the most recent 5 cascade. They kind of go down. So the top is the 6 most recent e-mail communication? 7 A. Yeah, uh-huh. 8 Q. So looking at this e-mail cascade, 9 the last person to respond was Mr. Sullivan. 10 Do you see that? 11 A. Correct. I do. 12 Q. After two days of back-and-forth 13 between several Syngenta employees including 14 yourself? 15 A. I see there were a number of e-mails 16 preceding that, yeah are. 17 Q. Yeah. We just talked about how the 18 first e-mail was written on March 25, 2008 and the 19 last e-mail is March 27, 2008? 20 A. Yes. 21 Q. That's two days? 22 A. Yes. 23 Q. Okay. And the e-mail cascade is 24 between you and several Syngenta employees and the	Page 84 1 Q. In-house Legal Team, right? 2 A. Yes. 3 Q. Okay. And he writes. 4 "CONFIDENTIAL AND PRIVILEGED 5 COMMUNICATION" in all caps. 6 Do you see that? 7 A. I do. 8 Q. And then he states: 9 "Please can we call a halt to this 10 correspondence. Any claim of privilege which we 11 make with respect to it may well be challenged and 12 we will not be well served by the production in 13 litigation of correspondence which suggests that 14 we would not have carried out the studies but for 15 the threat of litigation." 16 Do you see that? 17 A. I do. 18 Q. So, once again, someone from the 19 legal department is telling the Syngenta -- the 20 Syngenta employees that because of litigation, 21 stop putting things in writing? 22 A. He's not -- doesn't say that. 23 Q. Okay. Well, so when Mr. Sullivan 24 says, "We will not be well served by the
Page 83 1 subject line is "Health related trial work with 2 PQ." 3 Do you see that? 4 A. Yeah, I was copied on the e-mails. 5 Q. Yeah, you were copied on the 6 e-mails -- 7 A. Uh-huh. 8 Q. -- right? 9 A. Uh-huh. 10 Q. And PQ means paraquat? 11 A. Yes. 12 Q. So it's "Health related trial work 13 with paraquat." 14 Do you see that? 15 A. I do. 16 Q. The last e-mail -- none of the 17 e-mails -- well, I should say this. 18 The last e-mail is written by 19 Mr. Sullivan? 20 A. Yes. 21 Q. And Mr. Sullivan we talked about 22 earlier was a long-term member of Syngenta's 23 litigation or Legal Team? 24 A. Yes.	Page 85 1 production in litigation of correspondence," that 2 means by giving documents to plaintiffs in 3 litigation, right? 4 A. He says, "We will not be well served 5 by the production in litigation of 6 correspondence." 7 Q. Right. 8 And production just because that's a 9 legal term means like giving documents to the 10 plaintiffs and plaintiffs' lawyers, right? 11 A. Could be. 12 Q. What else would it mean? 13 A. Could -- I don't know. 14 Q. You don't know what the word 15 "production" means in the legal sense? 16 A. I know what it means. It depends on 17 the context. 18 Q. Okay. In this context, what does it 19 mean? 20 A. It could mean produced in 21 litigation. That's possible certainly. 22 Q. It says "production in litigation." 23 A. Yeah, uh-huh. 24 Q. So that means giving documents to

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Page 86 1 like me -- 2 A. Yes. 3 Q. -- and to plaintiffs, right? 4 A. Yes. 5 Q. Okay. Is there any other meaning of 6 that to you? 7 A. Well, production could have other 8 meanings, but, yes, I'll agree with you. 9 Q. Okay. The production in litigation 10 means giving plaintiffs -- 11 A. Yes. 12 Q. -- and plaintiffs' lawyers 13 documents? 14 A. Uh-huh. 15 Q. So what he is saying is that he -- 16 that Syngenta "will not be well served by the 17 production in litigation." 18 So giving documents to the -- to the 19 plaintiffs and the jury "of correspondence which 20 suggests that we would not have carried out the 21 studies but for the threat of litigation," right? 22 A. That's -- 23 MR. NARESH: Objection to the 24 form.	Page 88 1 writing? 2 A. What he's telling them here, by my 3 understanding -- I mean, you'd have to ask him 4 what meant by that -- is that they should stop 5 this correspondence, stop this back-and-forth. 6 MS. WAGSTAFF: Okay. Okay. 7 All right. Exhibit 8 is going 8 to be Syngenta PQT-ATR-12205675. 9 (Document marked for 10 identification as Nadel Exhibit 8.) 11 BY MS. WAGSTAFF: 12 Q. Let me know when you've had a chance 13 to review it. 14 A. Sure. 15 (Reviews document.) 16 Okay. 17 Q. All right. And this is an e-mail 18 correspondence from -- I'm looking at the back -- 19 from Dr. Charles Breckenridge to you? 20 A. Yes. 21 Q. July 9, 2009. 22 Do you see that? 23 A. I do. 24 Q. Okay. That's where it starts and,
Page 87 1 THE WITNESS: -- essentially 2 what it says. 3 BY MS. WAGSTAFF: 4 Q. And he's very clear at the beginning 5 when he says: 6 "Can we please call a halt to this 7 correspondence"? 8 A. Yes. 9 Q. He's saying stop putting this in 10 writing? 11 A. Well, he says "Please" -- 12 MR. NARESH: Object to the 13 form. 14 THE WITNESS: I'm sorry. 15 He says "Please can we call a 16 halt to this correspondence." 17 BY MS. WAGSTAFF: 18 Q. Which means stop, stop writing, stop 19 putting this writing? 20 A. Well, he doesn't say that. He says 21 "Please can we call a halt to this 22 correspondence." 23 Q. And you didn't -- you didn't 24 interpret that to mean stop putting stuff in	Page 89 1 then it looks like this is a couple of different 2 e-mails, but I'm looking at the one on July 13th a 3 few days later, and it is -- the subject is 4 "Attorney Client Privileged Correspondence." 5 Do you see that? 6 A. Uh-huh. Yes. 7 Q. I'm looking at the one that is sent 8 at 13:23, 1:23 in the afternoon. 9 A. Yes. 10 Q. Okay. And this is written to Dave 11 Berry with a cc to you? 12 A. Yes. 13 Q. And to Lewis Smith. 14 Do you see that? 15 A. I do. 16 Q. Dave Berry is not a lawyer, is he? 17 A. No. 18 Q. Lewis Smith is not a lawyer, is he? 19 A. No. 20 Q. So if you were not on this 21 correspondence, the chances that this 22 correspondence would be covered by the 23 attorney-client privilege would -- would not be as 24 strong, right?

Page 90 1 A. I don't know. I mean, you have the 2 document. 3 Q. I'm asking your opinion. 4 I mean, this is what you've been 5 doing for the last 36 years. 6 A. No. No, no. I don't -- 7 MR. NARESH: Object to the 8 form. 9 Go ahead. 10 THE WITNESS: I'm sorry. 11 I don't agree with your 12 characterization. 13 BY MS. WAGSTAFF: 14 Q. Okay. Well, let's see what the 15 document says. 16 "Dave: Here are the documents you 17 requested." 18 So he's really writing the e-mail to 19 Dave Berry, right? 20 A. Yeah. 21 Q. Okay. And who is Dave Berry? 22 A. Dave Berry I think -- I don't know 23 exactly what his role was, whether he was in 24 product safety or regulatory affairs. I can't	Page 92 1 litigation, right? 2 A. Correct. 3 Q. And so you were tasked with doing 4 this to protect to try to keep this database from 5 a jury for as long as possible; is that right? 6 A. This is what is his characterization 7 here. I don't agree with what he's saying, and he 8 wouldn't be able to task me with doing anything. 9 Q. Okay. But that's what the document 10 says and you were on it, right? 11 A. It says -- yes, it says what it 12 says. 13 Q. Okay. And then it says at the very 14 last part, it talks about the substance of sort of 15 the disclosure to Susan Neale, and it says "Alan 16 Nadel" -- that's you? 17 A. Uh-huh. 18 Q. "Will be responsible for capturing 19 correspondence and regulatory documents by other 20 means the same, as he has done for the ATZ 21 litigation." 22 A. I see that. 23 Q. And the ATZ litigation is the same 24 litigation that we looked at that had the court
Page 91 1 recall. 2 Q. Okay. But he wasn't in the legal 3 department? 4 A. He was not. 5 Q. And Lewis Smith was a scientist, 6 right? 7 A. Yes. 8 Q. Okay. Not in the legal department 9 either? 10 A. Correct. 11 Q. Okay. "The request for documents in 12 Global Smart Doc (EAME) will be sent officially by 13 Alan Nadel to Susan Neale." 14 Do you see that? 15 A. I do. 16 Q. And who is Susan Neale? 17 A. I don't know. I don't remember. 18 Q. Okay. "This task is being directed 19 by the Legal Department under the Attorney Client 20 Privileged banner in order to protect this 21 database from discovery for as long as possible." 22 Do you see that? 23 A. I do. 24 Q. And discovery is a term used in	Page 93 1 order? 2 A. It's the atrazine litigation, yes. 3 Q. In the 2012 court order -- 4 A. Yes. 5 Q. -- where the court suggested that or 6 stated that Syngenta had misused the 7 attorney-client privilege; is that right? 8 MR. NARESH: Objection to the 9 form. 10 THE WITNESS: I don't believe 11 the document said that, the court order 12 said that. 13 BY MS. WAGSTAFF: 14 Q. Okay. But it's -- regardless it's 15 the court order that we just looked at, the same 16 litigation? 17 A. Yes. 18 Q. So it says you're going to perform 19 in the same way that you did in that litigation? 20 A. It does say that. 21 Q. Okay. And did you ever write 22 Charles Breck -- Dr. Breckenridge back and say 23 that you're not going to -- to do as he requested. 24 You said that he can't direct you.

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Page 94 1 Did you ever write him back? 2 A. I don't recall if I ever wrote him 3 back. I can tell you that on numerous occasions I 4 have instructed numerous employees that merely 5 copying an attorney on a correspondence or marking 6 the document as "attorney-client privilege" would 7 not protect the document from discovery in 8 litigation. 9 Q. And did you start doing that after 10 you got the 2012 order? 11 A. It was my practice long before that. 12 Q. Okay. Well, I haven't seen 13 documents that suggest that, and we have just gone 14 through a handful that suggest otherwise. 15 I'm about to switch to another 16 topic. Do you want to take a five-minute break? 17 MR. NARESH: You want to? 18 THE WITNESS: Sure. 19 THE VIDEOGRAPHER: The time is 20 10:12 a.m. Off the record. 21 (Recess.) 22 THE VIDEOGRAPHER: Time is 23 10:25 a.m. We are now on the record. 24 BY MS. WAGSTAFF:	Page 96 1 Q. And this is an e-mail from 2007, 2 April of -- April and May of 2007. So -- or what 3 is that word? 17 years ago almost to the day. 4 A. Yes. 5 Q. (Laugh). 6 And the subject is Parkinson's or 7 "PQ/Parkinson's Workshop." 8 Do you see that? 9 A. Yes. 10 Q. And so PQ we talked about earlier is 11 paraquat. So this is a workshop on Parkinson's -- 12 the association between paraquat and Parkinson's, 13 right? 14 A. Apparently, yes. Uh-huh. 15 Q. Okay. And it was in Europe, right? 16 A. It looks like it was to be held -- 17 yeah -- Alderley Park, which is in the UK, I 18 believe. 19 Q. Okay. So it was in Europe. 20 In May of 2007, there was a 21 Parkinson's -- I'm sorry. 22 In May of 2007, there was a paraquat 23 workshop related to the association between 24 paraquat and Parkinson's that you attended; is
Page 95 1 Q. All right. Switching gears a 2 little, Mr. Nadel. 3 You understand I represent people 4 that have alleged that exposure to Syngenta's 5 paraquat has caused them to develop Parkinson's? 6 A. That's my understanding, yes. 7 Q. Okay. And you've been defending 8 paraquat against these types of claims for 9 decades, right? 10 A. Not personally, no. 11 MS. WAGSTAFF: Okay. So I'd 12 like to show you what I will mark as 13 Exhibit 9 which is -- and please read it 14 while I read the Bates label -- which is 15 Bates number Syngenta PQ-29389579. 16 (Document marked for 17 identification as Nadel Exhibit 9.) 18 BY MS. WAGSTAFF: 19 Q. Let me know when you're ready to 20 proceed. 21 A. (Reviews document.) 22 Yes, I'm ready. 23 Q. You're ready? Okay. 24 A. Uh-huh.	Page 97 1 that right? 2 A. I don't believe -- I don't know if 3 this workshop actually took place. I don't 4 believe if it did that I actually attended. 5 Q. Okay. Well, if you look at the 6 second one down from Charles Breckenridge, it 7 says: 8 "Please copy Alan Nadel on all 9 communication involved this meeting. He will be 10 attending." 11 Do you see that? 12 A. It does say that. 13 Q. Okay. So does that refresh your 14 recollection that you attended? 15 A. No. The only reason I hesitate is 16 because I don't believe that I ever attended a 17 meeting at Alderley Park, which I think was a 18 former AstraZeneca site. I don't believe I ever 19 attended a meeting there. 20 Q. Okay. Well, regardless if you 21 attended or not, you have been working on -- on 22 the association between paraquat and Parkinson's 23 for at least 17 years? 24 A. No, I wouldn't say that's accurate.

Page 98 1 Q. Okay. So these -- these e-mails 2 aren't correct? 3 A. No, no. The only thing I want to 4 say is that, you know, there was a period of time 5 when I was involved in these issues, but then 6 after my colleague, Mark Smith, became involved, I 7 became very, very much -- very less involved. 8 Q. Okay. So is it fair to say that for 9 about 17 years ago you began to get involved in 10 investigating the association between paraquat and 11 Parkinson's. At some point, you may have been 12 less involved and some points more involved? 13 A. That's fair. 14 Q. Okay. But it's been at least 17 15 years? 16 MR. NARESH: Objection to 17 form. 18 THE WITNESS: I think that's 19 fair, yes. 20 BY MS. WAGSTAFF: 21 Q. If not more. Okay. 22 MR. NARESH: Object to the 23 form. 24 BY MS. WAGSTAFF:	Page 100 1 A. It does. 2 Q. Okay. Do you have independent 3 recollection of this situation? 4 A. I do. 5 MS. WAGSTAFF: Okay. And this 6 is Exhibit 10. 7 (Document marked for 8 identification as Nadel Exhibit 10.) 9 BY MS. WAGSTAFF: 10 Q. Please let me know when you're ready 11 to proceed. This is Syngenta paraquat 03925889. 12 A. (Reviews document.) 13 Okay. 14 Q. All right. And this is an e-mail 15 from Carlos Carral, who is a Syngenta employee 16 based in Mexico, right? 17 A. It looks like that. Yes, uh-huh. 18 Q. Okay. And this is back in July of 19 2009, right? 20 A. Yes. 21 Q. So shortly after you began working 22 in the paraquat/Parkinson arena, right? 23 A. Certainly after my initial 24 involvement, yes.
Page 99 1 Q. And, in fact, one of your first 2 assignments in defending paraquat against any 3 association with Parkinson's was to try to deny 4 Social Security benefits to a long-term Syngenta 5 employee after he claimed his Parkinson's was 6 related to paraquat exposure, right? 7 MR. NARESH: Objection to the 8 form. 9 THE WITNESS: I'm not sure 10 what you mean by that. 11 BY MS. WAGSTAFF: 12 Q. Well, a Mexican employee of Syngenta 13 made a claim with the Mexican Institute of Social 14 Security claiming that his Parkinson's was related 15 to paraquat exposure, and you were tasked with 16 defending paraquat in that situation, correct? 17 A. I was not. 18 Q. Okay. Let's look at -- let's look 19 at a document. So if you could hand me 47, I 20 think. Actually, not 47. Sorry. 21 Oh, got it. 44. Yeah. 22 (Hands document). 23 Is this ringing a bell what I'm 24 talking about?	Page 101 1 Q. Okay. And what Carlos says to 2 Martin Wilks -- and Martin Wilks is a Syngenta 3 employee, right? 4 A. He was. 5 Q. And he was very critical to the 6 defense of paraquat against Parkinson's claims, 7 right? 8 A. I don't know that I'd characterize 9 it that way. He was involved with paraquat 10 issues. 11 Q. Very heavily involved, right? 12 A. He was the chief medical officer or 13 one of the chief medical officers. So he was 14 involved, yes. 15 Q. And paraquat issues relating to the 16 association of Parkinson's, right? 17 A. And other issues. 18 Q. Okay. But for purposes of this 19 deposition for -- he was critically involved with 20 paraquat and its association to Parkinson's while 21 he was an employee of Syngenta? 22 A. He was involved. 23 Q. Okay. And what -- what Carlos 24 tells -- so Martin Wilks is a doctor?

Page 102 1 A. Physician, yes. 2 Q. Okay. So what -- what Carlos tells 3 Dr. Wilks is: 4 Let me explain. I have a worker in 5 San Luis Potisto site. 6 A. I think it's Potosi, yeah. 7 Q. Potosi site? 8 A. Uh-huh. Uh-huh. 9 Q. Okay. He says: 10 "Well, I explain: We have a worker 11 in San Louis Potosi site who was declared sick 12 lived by Social Security Institute because of 13 Parkinson's problem. Social Security Office 14 declared in the medical report that the illness is 15 probably related with worker's job in the 16 formulation of paraquat." 17 Did I read that correctly? 18 A. Yes. 19 Q. And then if you go one sentence 20 down, it says: 21 "I looked for information in 22 internet regarding on this and thousand of 23 articles appear saying paraquat causes Parkinson's 24 what is the obvious resource of information of	Page 104 1 A. Correct. 2 Q. And then he -- and then Mr. Sullivan 3 forwards it to you and adds that the importance is 4 high. 5 Do you see that? 6 A. I do. 7 Q. And he requests you to get involved? 8 A. He does. 9 Q. Okay. And so did you get involved 10 at that point? 11 A. I did get involved, you know. 12 Obviously, minimally but, yes. 13 Q. Okay. And I'd like to look at a 14 document. This was in 2009, right? 15 I'd like to look -- 16 A. Yes. 17 Q. Okay. Document 17, which I believe 18 we've already marked as -- which the one that says 19 "Can we please call a halt to this." I think it's 20 Number 7. 21 A. Okay. I see 7. 22 Q. Yeah. 23 A. Yes. 24 Q. Okay. Hold that up, please.
Page 103 1 this Social Security also." 2 Did I read that correctly? 3 A. Yes. 4 Q. So what a Mexican Syngenta employee 5 is telling you-all is that there is a local -- 6 there is an employee who is trying to get Social 7 Security benefits from the Mexican government and 8 has claimed that his exposure to paraquat caused 9 his Parkinson's. 10 Am I interpreting that correctly? 11 MR. NARESH: Objection to 12 form. 13 THE WITNESS: I mean, I think 14 essentially what he's saying is that 15 Social Security Institute of Mexico has 16 indicated that his illness is related to 17 paraquat. 18 BY MS. WAGSTAFF: 19 Q. Okay. Fair enough. You said it 20 better than me. 21 And then Dr. Wilks forwards it to 22 Mr. Sullivan, a man that we've talked about 23 earlier today who is in the legal department, 24 right?	Page 105 1 And we've talked about this document 2 before, right? 3 A. Yes. 4 Q. And this was a document that was -- 5 is an e-mail chain from March of 2008. 6 A. Yes. 7 Q. Okay. And it's between Syngenta 8 employees, correct? 9 A. Correct. 10 Q. And this is the e-mail we talked 11 about earlier where Mr. Sullivan states: 12 "Can we please call a halt to this 13 correspondence"? 14 A. Correct. 15 Q. And Mr. Sullivan was -- proclaimed 16 his -- his worry that any claim of privilege would 17 be challenged and that these documents would have 18 to be produced in litigation, right? 19 MR. NARESH: Objection to the 20 form. 21 THE WITNESS: Well, I mean, 22 that's not exactly the way he puts it, 23 but he -- he does discuss the claim of 24 privilege and litigation.

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Page 106 1 BY MS. WAGSTAFF: 2 Q. Okay. And so if you look sort of at 3 the beginning of the e-mail cascade with Rolf 4 Furter. 5 Do you know who Rolf Furter is? 6 A. He's no longer with the company. I 7 don't remember his exact role. I think he was in 8 maybe development. He was located in Switzerland. 9 Q. Okay. So, so Rolf Furter e-mails 10 Mr. Sullivan and a bunch of other Syngenta 11 employees with the subject of "Health related 12 trial work with paraquat." 13 Do you see that? 14 A. I do. 15 Q. And he starts -- he starts by saying 16 that he's "sailing on the Red Sea over Easter" -- 17 A. He does say that. 18 Q. -- and that sound nice. 19 And then he says a few things that 20 he'd like to understand. And then he puts, if you 21 look to the next page "which studies are 22 absolutely needed to address the concerns of the 23 lawyers." 24 Do you see that?	Page 108 1 Q. And then Lewis responds. Lewis 2 Smith, who we talked about earlier is a -- was a 3 principal scientist at Syngenta, right? 4 A. He was -- yes, he was a scientist at 5 Syngenta. Correct. 6 Q. And at that point, he loops you into 7 the conversation? 8 There you are on the cc. 9 A. I'm copied. Yes, uh-huh. 10 Q. Yep. So now you're involved in the 11 conversation and -- 12 A. I'm copied on it. 13 Q. Yeah, you're involved in the 14 conversation. 15 You read your e-mails, don't you? 16 A. I read my e-mails, but I'm not 17 corresponding here. 18 Q. Right. 19 A. I'm copied on it. 20 Q. Yeah. You're in the conversation. 21 A. Okay. 22 Q. So -- and then -- and then what 23 Lewis says, if you go to the second paragraph, is 24 that he's talking about what -- if you want to
Page 107 1 A. I do. 2 Q. So he's worried about creating 3 studies that address the concerns of the lawyers. 4 Do you see that? 5 MR. NARESH: Objection to the 6 form. 7 THE WITNESS: I mean, I see 8 what he says, which he says "I would like 9 to understand which studies are 10 absolutely needed to address the concerns 11 of the lawyers." 12 BY MS. WAGSTAFF: 13 Q. Okay. And then he goes on and he 14 says: 15 "I just want to be sure that we do 16 the legally and ethically right" thing -- but not 17 one more trial -- but not -- let me -- 18 A. I'm sorry. 19 Q. Okay. And then he goes on to say: 20 "I just want to be sure that we do 21 the legally and ethically right -- but not one 22 trial more." 23 Do you see that? 24 A. Yes.	Page 109 1 read this, these paragraphs you can. Although you 2 told me earlier that you've had time. 3 A. I've read them, yes. 4 Q. Okay. It talks about the studies 5 that are going to be done and it says -- the 6 second paragraph says: 7 "However, even with agreement to 8 these or other measures I don't think it is 9 possible to be categoric that every study is 10 absolutely necessary." 11 Do you see that? 12 A. I do. 13 Q. And then he says: 14 "A major objective of this programme 15 is to reduce the risk that a lawsuit will lead to 16 Syngenta compensating an individual or individuals 17 who develop Parkinsonian symptoms or Parkinson's 18 Disease because they have been exposed to 19 paraquat." 20 Do you see that? 21 A. I do. 22 Q. So what -- what Lewis Smith is 23 saying that an objective of creating these studies 24 is that they're litigation derivative and they're

Page 110 1 trying to ensure that Syngenta won't have to 2 compensate plaintiffs similar to the ones making 3 claims here? 4 A. Well -- 5 MR. NARESH: Object to the 6 form. 7 THE WITNESS: Sorry. 8 You're paraphrasing what he 9 says here, but he -- he says -- 10 BY MS. WAGSTAFF: 11 Q. Am I paraphrasing it incorrectly? 12 A. Well, I think it's better just to 13 repeat what he says. 14 Q. Okay. So "a major objective of this 15 programme is to reduce the risk that a lawsuit 16 will lead to Syngenta compensating an individual 17 or individuals who develop Parkinsonian symptoms 18 or Parkinson's Disease because they were exposed 19 to paraquat." 20 Do you see that? 21 A. I do. 22 Q. And that is -- that is what the 23 plaintiffs that I represent are alleging, right? 24 A. They're alleging --	Page 112 1 THE WITNESS: I'm sorry. 2 I don't believe that's 3 correct. 4 BY MS. WAGSTAFF: 5 Q. You don't believe it's correct what 6 I just read? 7 A. I think he's incorrect, that 8 statement is incorrect. 9 Q. Okay. So you don't agree with this 10 e-mail? 11 A. I do not. 12 Q. Okay. So this was in 2008, and then 13 let's go back to the -- the issue with the Mexican 14 government when you were tasked with defending 15 paraquat and denying compensation to the Syngenta 16 employee. Okay? 17 MR. NARESH: Object to the 18 attorney-client privilege. 19 THE WITNESS: I don't think 20 that really describes my task, but -- but 21 I recall the incident you're discussing. 22 BY MS. WAGSTAFF: 23 Q. In fact, you actually sued the 24 Mexican government, didn't you?
Page 111 1 MR. NARESH: Objection to the 2 form. 3 Go ahead. 4 THE WITNESS: I don't -- I 5 haven't read all the complaints, but I 6 think basically they're alleging that 7 their Parkinson's disease was caused by 8 paraquat. 9 BY MS. WAGSTAFF: 10 Q. Okay. And so these studies -- the 11 objective of this program was to reduce the risk 12 that Syngenta would have to pay my clients in 13 their lawsuits? 14 A. I don't agree with that. 15 Q. This major objective of this program 16 is to reduce the risk that lawsuits -- that a 17 lawsuit will lead to Syngenta compensating an 18 individual who developed Parkinsonian symptoms or 19 Parkinson's disease because they have been exposed 20 to paraquat? 21 A. I don't think that -- 22 MR. NARESH: Objection to the 23 form. 24 Go ahead.	Page 113 1 A. I did not sue the Mexican 2 government. 3 Q. Syngenta did not sue the Mexican 4 government? 5 A. I don't know what actually was done 6 by Syngenta Mexico. I was not involved in -- in 7 whatever actions they took regarding this issue. 8 MS. WAGSTAFF: All right. 9 Let's look at -- if you could pull up 46 10 and 47. 11 So this is the e-mail that -- 12 47 was -- oh, let me put a sticker on 13 that, please. 14 So Exhibit 11 is going to be 15 Syngenta PQ-MDL-000423616. 16 (Document marked for 17 identification as Nadel Exhibit 11.) 18 MS. WAGSTAFF: And then this 19 document is what is attached to it, and 20 this is Syngenta PQ-MDL 423618. 21 (Document marked for 22 identification as Nadel Exhibit 12.) 23 THE WITNESS: Okay. 24 MR. NARESH: Do you have

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Page 114 1 copies for me? 2 MS. WAGSTAFF: Yeah. Sorry. 3 THE WITNESS: (Reviews 4 document.) 5 Okay. 6 BY MS. WAGSTAFF: 7 Q. I can orient you a little, but 8 you've had time to read these? 9 A. I -- yes. 10 Q. Okay. And the employee that we've 11 been talking about here is a man called 12 Mr. Grimaldo, right? 13 A. Apparently, yes. 14 Q. Okay. And you had testified earlier 15 that you have independent recollection on this? 16 A. I do. 17 Q. And Mr. Grimaldo was an employee of 18 Syngenta for 14 or so years? 19 MR. NARESH: Objection. 20 Foundation. 21 THE WITNESS: That I don't 22 recall. I don't recall the specifics 23 around his employment. 24 BY MS. WAGSTAFF:	Page 116 1 Q. Okay. And that's fine because, as 2 you've testified to numerous times now, you have 3 independent recollection outside of this 4 deposition of this matter. 5 So we -- we -- I showed you a 6 document earlier from 2009 where Mr. Sullivan 7 asked you to get involved in this matter that was 8 an exhibit? 9 A. Yes. 10 Q. This document was e-mailed to you in 11 2013, as evidenced by Exhibit 11. 12 So you worked on this matter for, 13 roughly, four years and -- 14 A. I -- yeah, I wouldn't say I worked 15 on it for four years. I was very tangentially 16 involved. 17 Q. Okay. And so what 40 -- what 18 Exhibit 12 is, is the -- the finding from medical 19 doctors, the finding what you discussed earlier 20 about Mr. Grimaldo's -- the cause of 21 Mr. Grimaldo's Parkinson's, right? 22 MR. NARESH: Object to the 23 foundation. The form. 24 THE WITNESS: Again, I don't
Page 115 1 Q. Do you remember Mr. Grimaldo's first 2 name? 3 A. No. 4 Q. Okay. And what I've handed you as 5 Exhibit 11 is a cover e-mail that just shows that 6 you were sent the next document, which is the -- 7 on Number 12, which is to your right, is the 8 finding from the IMSS, which is the Mexican Social 9 Security, right? 10 And then the left column is Spanish 11 and on the right column is English? 12 A. Yes. 13 Q. Okay. And have you read this 14 before? 15 A. I may have. I don't have any 16 recollection of reading it, but I may have. 17 Q. Okay. Do you want to take a minute 18 to review it? 19 A. Let me just go through it quickly. 20 Q. Okay. 21 A. (Reviews document.) 22 Okay. It's very lengthy, and I 23 don't want to take up too much time. I've gone 24 through it quickly.	Page 117 1 exactly know what this is. I'm reading 2 it here, and I'll accept that for the 3 purposes of the discussion. 4 I can't say for sure what it 5 is because really I think this is the 6 first time I've ever seen it. 7 BY MS. WAGSTAFF: 8 Q. Yeah. There's no English version on 9 the internet. We looked for it. 10 A. Okay. Sure. 11 Q. But I would assume that you being 12 the Legal Team in charge of it had -- was familiar 13 with this and, there's certainly documents later 14 that suggest that you were. 15 A. Okay. 16 Q. But you're saying this is the first 17 time that you've read this? 18 A. I -- I -- 19 MR. NARESH: Well, let me. 20 I'll object to the attorney commentary 21 and the form, but go ahead. 22 THE WITNESS: I don't recall. 23 I have no specific recollection. I may 24 have read it --

Page 118 1 BY MS. WAGSTAFF: 2 Q. Okay. 3 A. -- but I'm just not sure. 4 Q. And was this document ever sent to 5 the EPA? 6 A. I have no idea. 7 Q. Okay. All right. And so Syngenta 8 was able to send medical literature to the Mexican 9 government for them to consider in making this 10 determination? 11 A. I -- 12 MR. NARESH: Objection. 13 Foundation. 14 THE WITNESS: I don't know. 15 BY MS. WAGSTAFF: 16 Q. Okay. If you look at the "Summary," 17 the very first paragraph? 18 A. Yes. 19 Q. Yep? It says: 20 "Parkinson's disease is considered a 21 neurodegenerative disorder, which involves 22 environmental factors in the etiology of the 23 disease." 24 A. I see that.	Page 120 1 opinion; is that right? 2 MR. NARESH: Objection to the 3 foundation. 4 THE WITNESS: I don't know. 5 BY MS. WAGSTAFF: 6 Q. These doctors were not paid by 7 Syngenta; is that right? 8 MR. NARESH: Objection. 9 Foundation. 10 THE WITNESS: I have no idea 11 if they -- I assume they were not, but I 12 don't know. 13 BY MS. WAGSTAFF: 14 Q. And Syngenta was not happy with the 15 outcome of this paper, was it? 16 MR. NARESH: Objection. 17 Foundation. 18 THE WITNESS: I -- I mean, I 19 don't know that they were either happy or 20 unhappy. I can't say that. 21 BY MS. WAGSTAFF: 22 Q. All right. And do you remember what 23 Mr. Grimaldo was claiming were his injuries? 24 A. I can only tell you what my
Page 119 1 Q. "Such as chemical agents with 2 neuromolecular effect among which is the MPTP, 3 MPP, paraquat, the latter used as an herbicide in 4 the agricultural fields of our country." 5 Do you see that? 6 A. I do. 7 Q. Okay. And then it says: 8 "It has been documented in 9 epidemiological and experimental studies the 10 association of occupational exposure to paraquat 11 and Parkinson's disease. The aim of this paper is 12 to describe a clinical case of occupational 13 medicine in Parkinson's disease in occupationally 14 exposed workers to paraquat." 15 Do you see that? 16 A. I do. 17 Q. The sentence goes on to say: 18 "Evaluating the importance of 19 medical history work -- medical history work, 20 which was the key to the clinical case study." 21 Do you see that? 22 A. I do. 23 Q. So this was a clinical case study 24 done by medical doctors and this was their medical	Page 121 1 involvement was in the matter. 2 Q. Uh-huh. 3 A. I was very tangentially involved. 4 Q. Okay. It says -- would you agree 5 that the work medical history is important in 6 determining the cause of someone's Parkinson's? 7 A. It could be. 8 MR. NARESH: Objection. 9 Foundation. 10 BY MS. WAGSTAFF: 11 Q. Could be. 12 If you look at the bottom of this 13 first page on the right. 14 A. Uh-huh. 15 Q. "Work Medical History." 16 A. Uh-huh. 17 Q. It says: 18 "Forty three years old man with no 19 genetic load for Parkinson's disease nor relevant 20 nor relevant history for the condition described 21 here. He began his labor-management relationship 22 with the manufacturer of pesticides for the one he 23 has been working since the 1980s, with the 24 position of general assistant in the insecticides

Page 122 1 production lines, where his routine activities 2 consisted of providing pesticides containing 3 bottles to the packaging machine, which has as 4 safety equipment an exhaust with carbon 5 activated." 6 Do you see that? 7 A. I do. 8 Q. Said "he had to open the door of the 9 packaging machine and cleanup the pesticide with a 10 dry cloth, operation that was repeated eight to 10 11 times a day on average." 12 Do you see that? 13 A. Yes. 14 Q. And then it talks about other 15 exposures to paraquat. It says: 16 "If the spill was greater on the 17 machine, he also had to clean the machine with a 18 dry cloth." 19 Do you see that? 20 A. I do. 21 Q. "There was not available collective 22 protective equipment and inhalation and cutaneous 23 exposure to herbicides and insecticides." 24 Do you see that?	Page 124 1 content of the leaky bottles was applied on his 2 hands." 3 Do you see that? 4 A. I do. 5 Q. So paraquat was -- oh, was on his 6 hands. 7 Do you see that? 8 A. Well, I'm a little confused because 9 the document says that clinical -- on the first 10 page -- "The clinical case described is about 11 pyrethroids." 12 Q. Where are you reading? 13 A. I'm reading -- I'm sorry. So if you 14 go to the first page. 15 Q. I see. I see. Yeah. 16 A. It says "that belong to the group of 17 herbicides." I mean, pyrethroids are an 18 insecticide. And I think it also said for 19 three -- let's see. 20 If you go down to the bottom under 21 "Work Medical History." 22 Q. Uh-huh. 23 A. It also says: 24 "He began his labor-management
Page 123 1 A. I do. 2 Q. "Only natural ventilation was used, 3 in that position, the employee accumulated a 4 seniority in the job of three months." 5 Do you see that? 6 A. Uh-huh. Yes. 7 Q. My LASIK really works well. 8 (Laugh). That's small writing. 9 And then it talks about: 10 "The next job he held was that of 11 production supervisor, where his routine 12 activities consisted of organizing staff of the 13 area, to inspect the insecticides and herbicides 14 storage tanks and transferred them to the 15 packaging machine in order to work with the 16 different production lines." 17 Do you see that? 18 A. Uh-huh. Yes. 19 Q. Then it talks about some of his 20 quality assurance duties, and the last sentence 21 says: 22 "On average, he carried out this 23 activity with twice a day with no protect -- no 24 personal protective equipment, sometimes the	Page 125 1 relationship with the manufacturer of pesticides" 2 then it says "with the position of general 3 assistant in the insecticides production lines." 4 Paraquat is not insecticide. 5 Q. Okay. Well, we can keep reading and 6 we can see what they conclude. 7 A. Sure. 8 Q. Because they're very unambiguous in 9 their conclusion and are pie -- how do you -- how 10 do you -- 11 A. Pyrethroids. 12 Q. Are they neurotoxic? 13 A. I have no idea. 14 Q. Okay. Well, we can see what the 15 Mexican government concluded. 16 A. Uh-huh. 17 MR. NARESH: And I'll just 18 object to some of the attorney commentary 19 in there. 20 MS. WAGSTAFF: Sure. 21 BY MS. WAGSTAFF: 22 Q. You're familiar with the conclusion 23 from the Mexican government, right? 24 A. My recollection is that they -- that

Page 126 1 their conclusion was that his Parkinson's disease 2 was caused by workplace exposure to paraquat. 3 Q. Okay. So if you look on the 4 "Discussion," which is go -- yep, you're on there. 5 On the right? 6 A. Uh-huh. Yes. 7 Q. It says: 8 "The worker, who six years ago 9 presented a picture of hypokinesia affecting the 10 left shoulder girdle, evolved to a clinical 11 picture corresponding to Parkinson's disease." 12 Do you see that? 13 A. I do. 14 Q. And here's what it talks -- what you 15 just brought up. 16 "According to labor history, in his 17 workplace, exposure for 14 years to chemicals such 18 as paraquat, diquat and pyrethroids insecticides 19 was documented." 20 So the Mexican government considered 21 that exposure, obviously, is what they write. 22 "This type of -- the type of contact 23 was inhaled and dermal due to non-adherence to 24 safety measures." Other workers in the product	Page 128 1 Q. Okay. It says: 2 "The worker, who six years ago 3 presented a picture of hypokinesia affecting the 4 left shoulder girdle, evolved to a clinical 5 picture corresponding to Parkinson's disease. 6 According to labor industry, in his workplace, 7 exposure for 14 years to chemicals such as 8 paraquat, diquat and pyrethroids insecticides were 9 documented." 10 Do you see that? 11 A. I do. 12 Q. So the Mexican government considered 13 all those exposures? 14 MR. NARESH: Objection to 15 foundation. 16 THE WITNESS: I assume they 17 did, but, I mean, I can't say for sure. 18 But they -- I -- 19 BY MS. WAGSTAFF: 20 Q. They documented it? 21 A. They documented what they 22 documented, yes. 23 Q. Okay. "The type of contact" for 24 Mr. Grimaldo "was inhaled and dermal due to
Page 127 1 line had epi -- epitac. 2 MR. NARESH: I'll object to 3 that earlier commentary. 4 MS. WAGSTAFF: My 5 mispronunciation of the word? 6 MR. NARESH: No, not 7 mispronunciation. No. 8 MS. WAGSTAFF: (Laugh). You 9 can't object to that. 10 MR. NARESH: Well, you went to 11 ask a question. It's like I didn't get 12 my objection in to the earlier question. 13 So. 14 MS. WAGSTAFF: Does anyone 15 know how to pronounce that word was the 16 question. All right. 17 MR. NARESH: Well, just maybe 18 start over. 19 MS. WAGSTAFF: Yeah. Okay. 20 I'm going to start over. 21 BY MS. WAGSTAFF: 22 Q. "The worker, who six" -- do you see 23 in the "Discussion" section, sir? 24 A. I do, yeah.	Page 129 1 non-adherence to safety measures." 2 Do you see that? 3 A. I'm sorry. Where are you reading? 4 Q. Just the very next sentence. 5 "The type of contact -- 6 A. -- was inhaled and dermal." Yes, 7 uh-huh. 8 Q. And dermal. 9 The next paragraph says: 10 "According to medical literature, 11 paraquat is a substance capable of generating such 12 pictures due to its physicochemical 13 characteristics which damage mucosal." 14 Do you see that? 15 A. I do. 16 Q. All right. And then if you go down 17 in the next paragraph: 18 "The main chemical agent to which 19 the worker was exposed and is widely associated 20 with neurotoxicity is paraquat." 21 Do you see that? 22 A. Yes. 23 Q. And then it says: 24 "This herbicide" -- meaning

Page 130 1 paraquat -- "is a derivative of bipyridyl and 2 considered an unacceptable risk due to its adverse 3 effects on health, its most common forms of 4 exposure are inhaled and dermal." 5 Do you see that? 6 A. I see that. 7 Q. "In many epidemiological studies 8 relationship was found between handling paraquat 9 and Parkinson's disease." 10 Do you see that? 11 A. I do. 12 Q. And "this pesticide is widely used 13 in agriculture." 14 A. Yes, I see that. 15 Q. And then it says: 16 It "has been clearly demonstrated 17 that the toxicity induced by pesticide modifies -- 18 modifies a wide variety of neurological functions. 19 In particular, there is strong evidence that 20 exposure to pesticide predisposes -- predisposes 21 to neurodegenerative diseases. Epidemiological 22 data have suggested a relationship between 23 pesticide exposure and neurotoxicity with relative 24 risk of 1.7."	Page 132 1 Parkinson's disease. Therefore, it was a working 2 disease." 3 Q. All right. And when you got 4 involved in this matter in 2007, were you at all 5 concerned about the nosebleeds that Mr. Grimaldo 6 was experiencing? 7 A. I had -- 8 MR. NARESH: Objection. 9 Foundation. 10 THE WITNESS: Sorry. 11 I don't think knew that he had 12 nosebleeds. 13 BY MS. WAGSTAFF: 14 Q. Did you know anything about 15 Mr. Grimaldo's condition other than that he had 16 Parkinson's? 17 A. No. 18 Q. Were you concerned at all about the 19 lack of protective equipment reported at your 20 Mexico factory? 21 A. I don't believe I even knew that 22 there was an allegation of lack of protective 23 equipment. 24 Q. Were you concerned at all that
Page 131 1 Do you see that? 2 A. Yes, I do. 3 Q. And then if you go down a couple 4 paragraphs with the one starting with "Therefore." 5 You see that? 6 A. Yes. 7 Q. It says: 8 "Therefore, there was a broad 9 association in the worker between inhaled and 10 dermal exposure of paraquat in work activities and 11 Parkinson's disease, for it is determined that 12 this is a working disease." 13 Do you see that? 14 A. I do. 15 Q. All right. And then if you want to 16 turn the page to the conclusion and read -- read 17 what the Mexican government determined about 18 Mr. Grimaldo into the record, please. 19 A. It says: 20 "Conclusions. Labor clinical 21 history was the cornerstone in the case described. 22 With auxiliary elements such as specific analysis 23 of the job and reviewed medical literature, it was 24 established that exposure to paraquat generated	Page 133 1 employees at your Mexico factory were getting 2 paraquat spilled on their hands? 3 A. I don't believe I was aware of that 4 claim. 5 Q. Okay. What did you do to -- to make 6 sure that the employees at the Mexico factory 7 would no longer work in unsafe conditions after 8 the Grimaldo matter came to light? 9 MR. NARESH: Objection to 10 form. 11 BY MS. WAGSTAFF: 12 Q. If anything. 13 A. I -- I was not involved. As I 14 mentioned, I was only tangentially involved in 15 this matter whatsoever. 16 Q. So you didn't do anything to -- to 17 investigate the conditions at the Mexico factory? 18 A. No. 19 MR. NARESH: Objection. Form. 20 THE WITNESS: Sorry. 21 No. This was being handled by 22 the Mexican company, and specifically 23 Rodolfo Ibarra was the lawyer at the 24 Mexican facility that was handling the

Page 134 1 matter. I provided some assistance, but 2 that was it. 3 BY MS. WAGSTAFF: 4 Q. So in this document, it talks 5 about -- it says: 6 "By aspirating paraquat, nasal 7 bleeding was produced, just like other workers who 8 used to work in the line, especially when they 9 cleaned up the area." 10 That's on this. 11 A. I'm sorry. Where is that? 12 Q. Yeah, that's on -- go to Bates 13 ending in 19. It's the second page. 14 A. Okay. 15 Q. Right above the picture. 16 A. Yes. 17 Q. And you're telling me that you 18 didn't have any knowledge of those allegations -- 19 A. I did not. 20 Q. -- before you -- before today? 21 A. No. 22 Q. So when Mr. Grimaldo made this 23 claim, did someone go down to the Mexico plant to 24 see what was going on?	Page 136 1 paraquat spilled on their hands? 2 A. I don't know that. 3 Q. Do you know if there was protective 4 equipment provided to the employees at the Widnes 5 factory during this time? 6 A. I don't know. 7 Q. And can you remember why you-all did 8 not go down to the Mexican factory after 9 Mr. Grimaldo made these allegations and the 10 Mexican government made this determination -- 11 MR. NARESH: Objection to 12 form. Foundation. 13 BY MS. WAGSTAFF: 14 Q. -- to review this? 15 You were -- you were -- you and 16 other -- start over. 17 A. Yeah. 18 Q. You and others were e-mailed what we 19 just went through in 2013? 20 A. Okay. Yes. 21 Q. That is nine years ago. 22 A. Yes. 23 MR. NARESH: 11 years ago. 24 BY MS. WAGSTAFF:
Page 135 1 A. I have no idea. This -- as I said, 2 this was being handled by the Mexican company, and 3 I was only tangentially involved in providing some 4 small degree of assistance and that was it. 5 Q. Okay. And were you familiar with 6 the Widnes factory? 7 A. I am somewhat familiar with it. 8 Q. Okay. Were the employees at the 9 Widnes factory suffering nosebleeds? 10 A. I -- 11 MR. NARESH: Objection. 12 Foundation. 13 THE WITNESS: Sorry. 14 I don't recall exactly what 15 any claims were with regard to the 16 workers at the Widnes facility. 17 BY MS. WAGSTAFF: 18 Q. Have you ever heard of any of the 19 Syngenta employees suffering nosebleeds from 20 inhaling paraquat before today? 21 A. As I sit here today, I don't recall 22 if I've ever heard that. 23 Q. Do you know that if around this time 24 the people at the your Widnes factory were getting	Page 137 1 Q. That's 11 years ago. (Laugh). 2 A. Yes. 3 Q. And after reading through what you 4 and I just read through, why didn't somebody from 5 headquarters go down and check out what was going 6 on in the Mexican factory? 7 MR. NARESH: Object on 8 foundation and form. 9 THE WITNESS: Just to be 10 clear, I don't know that someone did not 11 go down there. They very well may have. 12 I have absolutely no idea. 13 But also this matter was being 14 handled by the Mexican company, Mexican 15 Syngenta company, and as far as I was 16 aware, they were dealing with it. But I 17 can't say that someone did not go down. 18 I have no idea. 19 BY MS. WAGSTAFF: 20 Q. Okay. And you do not know whether 21 or not this document has been given to the EPA, 22 right? 23 A. I don't know. 24 Q. And do you know whether or not this

Page 138 1 document has been given to any regulator anywhere 2 in the world? 3 A. I have no idea. 4 Q. And was Syngenta happy about this 5 conclusion? 6 MR. NARESH: Object to the 7 form. 8 THE WITNESS: I don't -- I 9 can't say whether they were happy or not 10 happy. I can just tell you what my role 11 was, again, which was very tangential to 12 the matter. 13 BY MS. WAGSTAFF: 14 Q. Okay. And Syngenta actually sued 15 the Mexican government to overturn this decision, 16 right? 17 A. I know that they were contesting the 18 decision. I don't know whether they sued or 19 exactly what that looked like. 20 (Document marked for 21 identification as Nadel Exhibit 13.) 22 BY MS. WAGSTAFF: 23 Q. Okay. And if you want -- this is a 24 litigation report from January of 2015, which I	Page 140 1 Q. Okay. So you can feel free to look 2 through all of it. 3 A. Uh-huh. 4 Q. I'm not rushing you, but I am going 5 to take you to the relevant portion -- 6 A. Okay. 7 Q. -- which is on page 32 of the 8 document. But, again, you know, feel free to go 9 through whatever you want. 10 A. Page 32? 11 Q. Of the document. 12 A. Okay. 13 Q. The numbers. 14 A. Yes. 15 Q. Okay. This relates to -- this is a 16 litigation report which is created by the 17 litigation team and circulated to the litigation 18 team, right? 19 A. It's created by the regional lawyers 20 or the country lawyers and -- and circulated, yes. 21 Q. And circulated back to you -- 22 A. Correct. 23 Q. -- and Mr. Sullivan and sort of 24 the --
Page 139 1 will mark as Exhibit 13. Syngenta PQ-35998469 -- 2 A. Okay. 3 Q. -- through 13. 4 A. Yes. 5 Q. Okay. Are you familiar with 6 litigation reports generated by Syngenta? 7 A. Yes. 8 Q. And does this look like a litigation 9 report that was typically created for Syngenta 10 legal department? 11 A. It does. 12 Q. Okay. And it's dated January 2015, 13 right? 14 A. Yes. 15 Q. And what is -- on the front it says 16 "Region: LATAM"? 17 A. Uh-huh. 18 Q. What does that stand for? 19 A. LATAM? Latin America. 20 Q. Okay. And then "Territory: LAN" 21 stands for what? 22 A. Latin America North. 23 Q. Okay. So Mexico is in there, right? 24 A. Yes.	Page 141 1 A. Yeah, it's -- yes, it's circulated 2 to -- to a number of the legal regional lawyers, 3 etc., including -- it would have been circulated 4 to Mr. Sullivan. 5 Q. Okay. And this is something, a 6 document you would have received in the normal 7 course of your business? 8 A. Not necessarily. Because if this 9 was prior to the time that I became the global 10 head of litigation, I was not receiving these 11 documents. 12 Q. Okay. Is there -- is there anything 13 about this document that does not look like your 14 typical litigation report? 15 A. It -- no, no. It does look like 16 one. 17 Q. Okay. 18 A. Yes. 19 Q. Okay. So then let's look at the 20 report that was given in January of '15 on the 21 Grimaldo matter that we've just been talking 22 about. Okay? 23 A. Yes. 24 Q. And so this is the summary -- and

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Page 142 1 like I said, you can review anything you want -- 2 but this is the summary of the paraquat and 3 Parkinson Grimaldo matter, right? 4 A. That's what it says, yes. 5 Q. Okay. And in the "Case 6 Description," it talks about "Mr. Alberto" -- 7 that's his first name? 8 A. Yes. 9 Q. -- "Grimaldo is now retired but he 10 had been working for Syngenta for 14 years in 11 various positions." 12 Do you see that? 13 A. I do. 14 Q. "His last role was as Chief of 15 Quality Control." 16 Right? 17 A. I see that, yes. 18 Q. And then it talks about how "in 2004 19 Mr. Grimaldo's private doctor diagnosed him with 20 Parkinson disease." 21 Do you see that? 22 A. Uh-huh. Yes. 23 Q. And then it goes on to say: 24 "In 2009 Mr. Grimaldo informed the	Page 144 1 Social Security system. I'm assuming that's 2 correct, but I certainly am no expert on that. 3 Q. Okay. And then it says that: 4 The "IMSS notified Syngenta -- 5 A. Yes. 6 Q. -- of a medical resolution 7 determining that Mr. Grimaldo's Parkinson's was 8 caused by his exposure to pesticides (Paraquat, 9 Diquat, Lambda-Cihalotrin and Glyphosate) due to 10 inhalation." 11 Do you see that? 12 A. I do see that. 13 Q. And then this is what you were 14 talking about. If you go down to the bottom of 15 the paragraph, it says. 16 "Syngenta appealed the medical 17 resolution -- 18 A. Yes. 19 Q. -- and started a trial." 20 You see that? 21 A. I do see it. 22 Q. "Against the IMSS to show that a 23 cause-effect relationship between pesticides and 24 PD has not been proven or is not currently
Page 143 1 HR area of his desire to retire and he started the 2 process in the Mexican Social Security Institute, 3 which is IMSS, in order to obtain a pension for 4 his inability." 5 Do you see that? 6 A. I see that. 7 Q. So Mr. Grimaldo wasn't suing 8 Syngenta. What Mr. Grimaldo was doing was just 9 trying to get Social Security from the Mexican 10 government, correct? 11 A. It looks like he was trying to get a 12 pension based upon some -- his inability, which I 13 assume means his physical condition. 14 Q. Yeah. From the Mexican government, 15 right? 16 A. Yes. 17 Q. Not from Syngenta? 18 A. No. 19 Q. Right. 20 A. No. 21 Q. So if Mr. Grimaldo was successful 22 and the Mexican government paid him money, that 23 wouldn't cost Syngenta anything, right? 24 A. I'm not familiar with the Mexican	Page 145 1 accepted by the medical/scientific community." 2 Do you see that? 3 A. I do. 4 Q. "And we" -- meaning Syngenta -- 5 "submitted as proof among other things a summary 6 of sub-chronic studies available to the EPA." 7 A. Yes. 8 Q. And available to the Federal 9 Commission for Protection Against Sanitary Risks. 10 Do you see that? 11 A. I do see that. 12 Q. And then a bunch of other entities. 13 A. Yes. 14 Q. So just to sort of summarize, a 15 group of independent medical doctors retained by 16 the Mexican government found a medical resolution 17 that Syngenta's long-term employee, his 18 Parkinson's was caused by his exposure to 19 paraquat, and Syngenta's response is to appeal 20 that resolution so that he will lose his 21 pension -- 22 MR. NARESH: Object to the 23 form. 24 BY MS. WAGSTAFF:

Page 146 1 Q. -- right? 2 A. I wouldn't put it that way. 3 I think it appears to me that they 4 appealed that because they didn't agree with the 5 conclusion. 6 Q. And if -- and if Syngenta gets -- is 7 correct in overturning it, Mr. Grimaldo will lose 8 his pension, right? 9 A. I -- 10 MR. NARESH: Objection. Form 11 and foundation. 12 THE WITNESS: I don't know 13 that he would. I don't know what would 14 happen. 15 I do know it may -- it may 16 have just involved some pension for his 17 physical condition. 18 I mean, I'm assuming what 19 Syngenta was saying, if it wasn't 20 caused -- they disagree that it was 21 caused by pesticides, then there 22 shouldn't be a statement that that was 23 the cause if it was simply not proven. 24 So I'm assuming that that's	Page 148 1 A. I do see that. 2 Q. So what this is saying is that the 3 Mexican government -- the Mexican government 4 notified Syngenta that the company's risk grade 5 went up due to this -- 6 A. It's -- 7 Q. -- determination? 8 MR. NARESH: Objection. Form. 9 Foundation. 10 THE WITNESS: I'm not -- I'm 11 not -- that could be. It's a little 12 difficult to understand what's being said 13 here. I'm assuming because of the 14 translation from Spanish to English. 15 BY MS. WAGSTAFF: 16 Q. Okay. And then the next 17 paragraph -- well, the last sentence of that says: 18 "But it was addressed to a different 19 employee of Syngenta." 20 Do you see that? 21 A. I do. 22 Q. Okay. The next paragraph says: 23 "Based on the mistake mentioned in 24 the previous paragraph" -- i.e. sent to the wrong
Page 147 1 what the -- what their goal was here, 2 but, again, I don't know. I was not 3 involved in this. 4 BY MS. WAGSTAFF: 5 Q. Okay. And then if you go to the 6 next page, the top of the next page, it says: 7 "In addition, the IMSS notified 8 Syngenta the dictamination to" -- 9 A. I'm sorry. I'm just looking for 10 what page. 11 Q. On page 33. 12 A. Yeah. 13 Q. I'm -- I'm right up. The first 14 sentence on page 33. 15 A. Oh, yeah. Got it. Uh-huh. 16 Q. So if you look to the next page, 17 sir, it says: 18 "In addition, the IMSS notified 19 Syngenta the dictamination to determine the 20 inabilitation due to work risk and a with it a 21 notification to increase the company's risk grade 22 (from .7 to 1.5), but was addressed to a different 23 employee of Syngenta." 24 Do you see that?	Page 149 1 employee -- "the legal area strategy was to pay 2 the IMSS according to the new risk level" -- 3 meaning 1.5 -- "and not to appeal the new ruling 4 until the last minute possible in order not to 5 give the IMSS time to answer within the allowed 6 timeframe." 7 A. I see that. 8 Q. "Therefore they could not issue a 9 new corrected resolution under Grimaldo's name 10 linking herbicides and Parkinson's disease." 11 Do you see that? 12 A. I do see that. 13 Q. So the strategy from Syngenta was to 14 capitalize on the Mexican government's mistake by 15 sending the new risk to the wrong employee? 16 A. I don't know -- 17 MR. NARESH: Objection. Form. 18 Foundation. 19 THE WITNESS: I'm sorry. 20 I don't know what their 21 strategy was because I really wasn't 22 involved in it. I mean, I see what it 23 says here, but I have no information 24 about it or personal understanding of it.

Page 150 1 BY MS. WAGSTAFF: 2 Q. I mean, it's very clear. It says 3 the legal strategy is to wait until the last 4 minute possible in order not to give the IMSS time 5 to answer within the allowed timeframe. 6 A. It does say that. 7 MR. NARESH: Objection. 8 Objection to form. 9 BY MS. WAGSTAFF: 10 Q. Is that what an ethical company 11 does? 12 A. I don't -- 13 MR. NARESH: Objection. Form 14 and foundation. 15 THE WITNESS: I'm sorry. 16 I really -- I don't know 17 because I'm not familiar with this 18 situation. I know what is stated here, 19 but I have no independent knowledge of 20 it. 21 BY MS. WAGSTAFF: 22 Q. Okay. Earlier you had independent 23 knowledge of this matter. 24 A. I have --	Page 152 1 comment on that. 2 BY MS. WAGSTAFF: 3 Q. Okay. Well, I don't -- I'm not sure 4 that this is awkwardly worded. Let's just read 5 the strategy one last time and then we'll move on. 6 A. Uh-huh. 7 Q. "Based on the mistake mentioned in 8 the previous paragraph, the legal area strategy 9 was to pay the IMSS according to the new risk 10 level and not to appeal the new ruling until the 11 last minute possible in order not to give the IMSS 12 time to answer within the allowed timeframe." 13 Did I read that correctly? 14 A. I see what's written here, yes. 15 Q. Okay. "Therefore they could not 16 issue a new corrected resolution under Grimaldo's 17 name linking herbicides and pesticides -- and 18 Parkinson's disease." 19 Did I read that correctly? 20 A. You did. 21 Q. Okay. "It was a successful 22 strategy." 23 A. I see that. 24 Q. You see that?
Page 151 1 MR. NARESH: I would object as 2 argumentative. It mischaracterizes prior 3 testimony. 4 Go ahead. 5 THE WITNESS: I have 6 independent knowledge of the incidence 7 and some knowledge of it. I don't have 8 thorough knowledge and understanding of 9 it because I was not involved in it. It 10 was handled by the Mexican company and 11 Rodolfo Ibarra, who is the Syngenta 12 lawyer in Mexico. 13 BY MS. WAGSTAFF: 14 Q. Okay. Well, do you think it's an 15 ethical strategy to wait until the last minute 16 to -- to appeal something so that the Mexican 17 government doesn't have time to answer? 18 MR. NARESH: Objection. Form 19 and foundation. 20 THE WITNESS: I can't really 21 opine on that because I don't know. 22 There's -- this was translated from 23 Spanish to English apparently. It's 24 awkwardly worded, and I really can't	Page 153 1 A. I see that. 2 Q. So Syngenta won? 3 A. I -- 4 MR. NARESH: Objection. Form. 5 Foundation. 6 Go ahead. 7 THE WITNESS: I don't know if 8 they won. I don't know what happened 9 after that. There's a lot of additional 10 language here which goes beyond 2011. 11 BY MS. WAGSTAFF: 12 Q. Yeah. 13 A. So I don't know. 14 Q. So let's go to -- you don't know 15 what -- you don't know the final resolution of the 16 Grimaldo matter? 17 A. Absolutely not. 18 Q. That wasn't important to you? 19 A. I was -- this was being handled by 20 the attorney in Mexico. I was not involved. I 21 was only tangentially involved. 22 Q. Okay. So if you turn to page 36, 23 which is just a few pages over, it says -- let me 24 know when you're there.

Page 154 1 A. I -- yeah. 2 Q. It says the only -- the only part 3 that has words. 4 A. Yes. 5 Q. "Comments of Case Reporter." It 6 says, the Syngenta lawyer writes: 7 "The most critical situation here is 8 to make an extra effort to eradicate the medical 9 background that pretends to establish a link 10 between Paraquat and other herbicides & Parkinson 11 because it could be a liability for Syngenta and 12 the Agrochemical Industry in Mexico." 13 Do you see that? 14 A. I do. 15 Q. So the most critical situation was 16 to eradicate Mr. Grimaldo's medical background? 17 A. It doesn't say -- 18 MR. NARESH: Objection to form 19 and -- 20 BY MS. WAGSTAFF: 21 Q. Is that right? 22 A. It doesn't say it. 23 MR. NARESH: Objection to form 24 and foundation.	Page 156 1 MR. NARESH: Objection. Form 2 and foundation. 3 THE WITNESS: -- that's what 4 the e-mail said. 5 MR. NARESH: Alan. 6 THE WITNESS: Sorry. Sorry. 7 Sorry. 8 MR. NARESH: Objection to 9 form. 10 Go ahead. 11 THE WITNESS: I don't think 12 that's what the e-mail says. And I think 13 here what he's saying -- and, again, I 14 don't know what his students want. 15 BY MS. WAGSTAFF: 16 Q. Wait. Earlier you haven't been able 17 to interpret what people are saying. 18 A. Then I won't. 19 MR. NARESH: Now you're 20 interrupting the witness. 21 THE WITNESS: Then I won't. 22 BY MS. WAGSTAFF: 23 Q. I mean, if you can interpret what 24 people are saying, we can go back to other
Page 155 1 Go ahead and answer. 2 You can answer, Alan. 3 THE WITNESS: It doesn't say 4 that. 5 BY MS. WAGSTAFF: 6 Q. Okay. It says: 7 "The most critical situation here is 8 to make an extra effort to eradicate the medical 9 background that pretends to establish a link 10 between Paraquat and other herbicides & 11 Parkinson's." 12 Do you see that? 13 A. I do. 14 Q. And the reason that Syngenta lawyer 15 gives is because that link "could be a liability 16 for Syngenta and the Agrochemical Industry in 17 Mexico." 18 Do you see that? 19 A. I do. 20 Q. And this is just a few years after 21 that e-mail that we read where Syngenta was 22 creating science to avoid paying claims to people 23 making similar allegations, correct? 24 A. Oh, I don't think --	Page 157 1 documents where you said you couldn't. 2 A. I won't interpret it. 3 Q. Okay. 4 MR. NARESH: I think we got to 5 do the last Q&A again because that record 6 is going to be a disaster on all that. 7 Can you ask your last question again? 8 MS. WAGSTAFF: I don't think 9 I -- I don't think there was a question 10 pending when he said something. 11 MR. NARESH: Well, I think 12 what happened was it was a question. You 13 and I were speaking at the same time and 14 then the answer. You objected to his 15 answer. So, I mean, it's your record. 16 So you can do whatever you want. 17 MS. WAGSTAFF: Yeah, I'm good 18 with what we have. 19 MR. NARESH: Okay. 20 BY MS. WAGSTAFF: 21 Q. So Syngenta's critical situation and 22 what they didn't make an extra effort to was to 23 determine what happened to Mr. Grimaldo, right? 24 MR. NARESH: Objection.

Page 158 1 Foundation. 2 THE WITNESS: I don't know 3 what efforts they did make or didn't 4 make. 5 BY MS. WAGSTAFF: 6 Q. But based on this document, what 7 happened to Mr. Grimaldo and his health was 8 certainly not the critical situation that Syngenta 9 was making an extra effort to determine -- 10 MR. NARESH: Objection. 11 BY MS. WAGSTAFF: 12 Q. -- based on this document? 13 MR. NARESH: Objection. Form 14 and foundation. 15 THE WITNESS: I can't say 16 that's -- I can't answer that yes or no. 17 I don't know. 18 BY MS. WAGSTAFF: 19 Q. Okay. Will you show me right here 20 where it says the most critical situation is to 21 determine Mr. Grimaldo's health -- 22 A. I can tell you -- 23 Q. -- and what happened to him? 24 A. -- it doesn't say that.	Page 160 1 My understanding is that we 2 don't -- do not believe there is any 3 association between paraquat and 4 Parkinson's disease. 5 BY MS. WAGSTAFF: 6 Q. Let me ask you just because you're 7 not here as a 30(b)(6). So I want to be fair to 8 the record. 9 When did you first learn of an 10 association between exposure to paraquat and 11 Parkinson's? 12 MR. NARESH: Object to the 13 form. 14 THE WITNESS: I don't think 15 -- I've never learned of an association. 16 I've learned of claims of an association. 17 BY MS. WAGSTAFF: 18 Q. So as we sit here today in May of 19 2024, it's your understanding that there's no 20 association between exposure to paraquat and 21 Parkinson's disease? 22 A. Correct. 23 Q. We saw earlier from an e-mail back 24 from June of 2007 -- if you want to look at
Page 159 1 Q. Okay. Thank you. 2 So we're going to shift gears a 3 little bit and talk about Syngenta's knowledge of 4 the association between paraquat exposure and 5 Parkinson's. 6 When did Syngenta first know of an 7 association? 8 MR. NARESH: Objection to the 9 foundation and the form. 10 THE WITNESS: I don't believe 11 it's correct to say that Syngenta knew of 12 an association. 13 BY MS. WAGSTAFF: 14 Q. So to this day, it's still 15 Syngenta's position there's no association at all 16 between exposure to Parkinson's -- or exposure to 17 paraquat and Parkinson's? 18 A. I'm not -- 19 MR. NARESH: Object. Not a 20 30(b)(6). Mr. Nadel is here in his 21 personal capacity. 22 THE WITNESS: Sorry. 23 Yeah, I don't know. I can't 24 answer for Syngenta.	Page 161 1 Exhibit 4. If you remember the letter from 2 Mr. Sullivan? 3 A. Yes. 4 Q. So we know from this document that 5 at least in June of 2007 that Syngenta was aware 6 of an alleged association between exposure to 7 paraquat and Parkinson's, right? 8 A. He says "alleged association," 9 correct. 10 Q. So we know that at least from 2007, 11 if not before, that Syngenta was aware of that 12 alleged association, right? 13 MR. NARESH: Object to the 14 form. Again, that takes him -- you're 15 asking Mr. Nadel, he can answer. 16 THE WITNESS: Yeah. 17 MR. NARESH: But to the extent 18 you're asking about what Syngenta knew, I 19 don't think that's appropriate. 20 THE WITNESS: I don't know 21 what Syngenta knew. I can't answer for 22 the company as a whole, but it does say 23 here "alleged association" and the date 24 of this document is 2007.

Page 162 1 BY MS. WAGSTAFF: 2 Q. It says: 3 "Syngenta is in the process of 4 analyzing the available data regarding an alleged 5 association between exposure to Paraquat and 6 Parkinson's Disease." 7 Right? 8 A. Yes. 9 Q. That certainly suggests that 10 Syngenta was aware of an alleged association 11 between paraquat and Parkinson's disease, right? 12 MR. NARESH: Same objection as 13 before. 14 THE WITNESS: I can't answer 15 for Syngenta. 16 BY MS. WAGSTAFF: 17 Q. You can't answer what the -- that 18 that document doesn't suggest that Syngenta knew 19 about an alleged association between -- 20 A. Yes. 21 Q. -- paraquat and Parkinson's? 22 A. I certainly agree that that's what 23 Mr. Sullivan was saying. 24 Q. Okay. And Mr. Sullivan, who was in	Page 164 1 Q. So it looks like as early as 2 December of 2005 meetings were being convened 3 internally to review an association between 4 paraquat and Parkinson's? 5 MR. NARESH: Object on 6 foundation. 7 THE WITNESS: That's not what 8 it says. 9 BY MS. WAGSTAFF: 10 Q. Okay. So you don't believe that 11 this meeting was reviewing an alleged association 12 between Parkinson's and paraquat? 13 A. An alleged association? Probably. 14 Q. Okay. Does the title give it away 15 at all? 16 A. It doesn't say that. 17 Q. The title says "To Review the Issue 18 of Pesticides and Parkinson's, with Special 19 Reference to Paraquat." 20 A. Yes. 21 Q. What issue is it? 22 A. It doesn't say. 23 Q. Okay. And if you look to the next 24 page, which ends at -- well, actually, go to the
Page 163 1 the legal department, was saying that in June of 2 2007, right? 3 A. Correct. 4 MS. WAGSTAFF: Okay. So if 5 you want to look at -- this will be 6 Exhibit 14, which is Syngenta 7 PQ-29357271. 8 (Document marked for 9 identification as Nadel Exhibit 14.) 10 BY MS. WAGSTAFF: 11 Q. And if you'll let me know when 12 you've had a chance to review that, please. 13 A. (Reviews document.) 14 Okay. 15 Q. All right. So if you look at the 16 beginning of this document, this is meeting 17 minutes -- this is minutes from a meeting on 18 December 19, 2005; is that right? 19 A. That's what it says, yes. 20 Q. Okay. And it is titled "To Review 21 the Issue of Pesticides and Parkinson's, with 22 Special Reference to Paraquat." 23 You see that? 24 A. Yes.	Page 165 1 first page just to sort of orient yourself. 2 There's different sections on here 3 and, again, the process for this, which you'll see 4 in italicized, is that this should be 5 attorney-client privilege is what the document 6 says, right? 7 MR. NARESH: Objection to the 8 form and foundation. 9 THE WITNESS: It says that 10 under Process. 11 BY MS. WAGSTAFF: 12 Q. Yeah. And then actually it is 13 labeled attorney-client privilege if you look at 14 the top of the document, right? 15 A. It is. 16 Q. Okay. Then you look at a section 17 called "Epidemiology" and if you -- do you see 18 that? 19 MR. NARESH: Can I just have a 20 standing objection on the foundation of 21 this document? 22 MS. WAGSTAFF: Sure. 23 MR. NARESH: So where are you 24 looking? Oh, yeah, I see it.

Page 166 1 BY MS. WAGSTAFF: 2 Q. You see "Epidemiology"? 3 A. Yeah. 4 Q. And if you go to the next page, it 5 says: 6 "We also need to gain positioning on 7 all aspects of the epidemiology situation on 8 Pesticides and paraquat." 9 I'm sorry. Let me start all over. 10 "We also need to gain positioning on 11 all aspects of the epidemiology situation on 12 Pesticides and Parkinson's." 13 A. I'm assuming PD means Parkinson's 14 disease, yes. 15 Q. Does it not? 16 A. I mean, I'm assuming that's what it 17 means. 18 Q. Okay. Especially because this is a 19 meeting to review pesticides and Parkinson's? 20 A. Sure. 21 Q. And PD is a common acronym for 22 Parkinson's? 23 A. I suppose it is, yes. 24 Q. Could it mean anything else?	Page 168 1 time to argue with him -- 2 MS. WAGSTAFF: I know I can. 3 MR. NARESH: -- or you could 4 accept his answers and move on when he's 5 agreeing with you. 6 MS. WAGSTAFF: I just -- 7 MR. NARESH: So I'm just 8 saying. 9 MS. WAGSTAFF: It's a little 10 ridiculous that, you know, it's like -- 11 MR. NARESH: Well, it's a 12 little ridiculous that you're picking 13 fights with him about things that he's 14 agreeing with you. 15 MS. WAGSTAFF: Okay. Well, I 16 would -- I would ask anyone who you're 17 going to put this in front of to read -- 18 listen to the thing, and you'll see that 19 I'm not picking fights. So I'm not 20 picking fights. 21 MR. NARESH: Use your time as 22 you -- as you wish on the record. 23 MS. WAGSTAFF: I know. I 24 will. I will totally use. I'm not going
Page 167 1 A. I don't know. 2 Q. You don't know if it means anything 3 else in this? 4 A. I don't know if it means anything 5 else. 6 Q. No, in this document. 7 A. I'm assuming that it means 8 Parkinson's disease, yes. 9 Q. Okay. Glad that we could get that 10 straight. 11 So let me start all over. 12 "We also need to" -- 13 MR. NARESH: Well, I'm just 14 going to object. I mean, you're trying 15 to pick fights. He's agreed with you 16 that PD stands for Parkinson's disease. 17 MS. WAGSTAFF: I'm not trying 18 to pick fights. He just -- he won't -- 19 MR. NARESH: You're just 20 trying to be argumentative. 21 MS. WAGSTAFF: There's plain 22 language on the documents that he's 23 making. (Laugh). 24 MR. NARESH: You can use your	Page 169 1 to use all eight hours. So I will use my 2 time as I wish. Don't worry. (Laugh). 3 MR. NARESH: Okay. All right. 4 BY MS. WAGSTAFF: 5 Q. So starting all over, it says -- 6 this document under "Epidemiology," it says: 7 "We also need to gain positioning on 8 all aspects of the epidemiology situation on 9 Pesticides and PD." 10 Do you see that? 11 A. Yes. 12 Q. And PD meaning Parkinson's disease? 13 A. Granted. 14 Q. And -- and it goes on further to 15 say: 16 "We need to prepare for rebuttal to 17 current literature and possible future results." 18 A. Yes. 19 Q. Do you see that? 20 Okay. And if you turn to the next 21 page, to the last page, which has the Bates ending 22 in 74 where it says "CB considered." 23 Do you see that? 24 A. I'm sorry. Where are you? I don't

Page 170 1 know where you are. 2 Q. The last page. 3 A. Oh, the last page. 4 Q. I think you need to flip it one more 5 page. Yeah. 6 It says "CB considered"? 7 A. Yes. 8 Q. Okay. CB is Charles Breckenridge? 9 A. I assume so, yes. 10 Q. Okay. So it says: 11 CB considered any possible Class 12 Action" -- Which is litigation, right? 13 A. Yes. 14 Q. -- "would come from epidemiology 15 data with the mechanistic data as a support. We 16 should therefore focus on the epidemiology area as 17 the main defence for this threat." 18 Do you see that? 19 A. I do. 20 Q. And then it goes on to say: 21 "We need to characterise the threat 22 to paraquat from the Parkinson's issue in order to 23 ensure business understanding and support for the 24 defence."	Page 172 1 Charles Breckenridge is saying that the "Class 2 Action would come from epidemiology data with the 3 mechanistic data as a support." Therefore, we -- 4 "We should therefore focus on the epidemiology 5 area as the main defence for this threat." 6 A. That's what it says, yes. 7 Q. "This threat" being litigation, 8 right? 9 MR. NARESH: Same objections 10 as before. 11 THE WITNESS: I assume that's 12 correct. Yes. 13 MS. WAGSTAFF: Okay. And then 14 a year later sort of staying on the focus 15 of the epidemiology, here is a document 16 and let me know when you're ready to 17 review. This is Exhibit 15, which is 18 31432563. 19 (Document marked for 20 identification as Nadel Exhibit 15.) 21 THE WITNESS: (Reviews 22 document.) 23 BY MS. WAGSTAFF: 24 Q. Let me know when you're ready.
Page 171 1 Do you see that? 2 A. I do. 3 Q. And then it says "The different 4 threads are," and these are the different 5 defenses. It says: 6 Duty of care, reactive 7 consideration/defence to no emerging data, legal, 8 and then it says "Doing nothing is not an option." 9 Do you see that? 10 A. I do. 11 Q. So at least as of 2005, Charles 12 Breckenridge, who was a scientist for Syngenta, 13 right? 14 A. Yes. 15 Q. Was telling in his meeting minutes 16 was saying that the weakness was the epidemiology 17 and that they -- the epidemiology needed to be the 18 main defense? 19 MR. NARESH: Object to the 20 foundation and the form. 21 THE WITNESS: I don't -- 22 that's not what it says here. 23 BY MS. WAGSTAFF: 24 Q. Okay. Well, at least as of 2005,	Page 173 1 A. (Reviews document.) 2 Okay. 3 Q. All right. So this is an e-mail 4 cascade from 2006. 5 And who's Berry Elliott? 6 A. I think he was someone in product 7 safety. I'm not certain. 8 Q. Okay. But he was a Syngenta 9 employee? 10 A. I believe so, yes. 11 Q. And these are all Syngenta 12 employees? 13 Except for at the beginning? 14 Actually, that person is a Syngenta employee. 15 A. I believe these are -- are all or 16 were all Syngenta employees. 17 Q. Okay. And so just to sort of orient 18 the jury, what happens here is a Syngenta employee 19 from Europe is e-mailing talking about a French 20 tribunal that has ruled that Parkinson's -- 21 Parkinson's disease is an agricultural 22 occupational illness caused by pesticides. 23 A. That's what it appears, yes. 24 Q. Okay. And Lewis Smith -- and this

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Page 174 1 is in October 5 of 2006. Lewis Smith, a Syngenta 2 scientist, writes to David Lawrence and says: 3 "Although I do not think that this 4 is itself a serious threat to Syngenta, it is an 5 example of what I have been saying is almost 6 certain to happen. That is, we shall be 7 threatened with litigation (like in the USA) 8 because of the epidemiology that shows an increase 9 in Parkinson's disease in agricultural workers and 10 the increasing evidence that paraquat causes 11 depletion of neuronal cells in the substantia 12 nigra of rats (and probable non-human primates)." 13 Do you see that? 14 A. I do. 15 Q. So in 2006, you now had a French 16 tribunal determine that exposure to pesticides 17 causes Parkinson's, and shortly thereafter we just 18 went through the Mexican government that makes a 19 similar finding; is that right? 20 MR. NARESH: I'll object to 21 the form and the foundation. Can I have 22 a standing foundation objection to 23 Exhibit 15? 24 MS. WAGSTAFF: Sure.	Page 176 1 Syngenta employees in the document we just looked 2 at that that's where the defense of the 3 association needed to be focused on, right? 4 MR. NARESH: Objection. Form 5 and foundation. 6 THE WITNESS: I'm sorry. 7 What was the document that? 8 BY MS. WAGSTAFF: 9 Q. The document we just looked at. 10 A. What was the number on the exhibit? 11 Q. It was, I think, 14. 12 Where he says: 13 Dr. Breckenridge "considered any 14 possible Class Action would come from epidemiology 15 data with the mechanistic data as a support. We 16 should therefore focus on the epidemiology area as 17 the main defence for this threat." 18 A. Yes, that's what he said. 19 MS. WAGSTAFF: Okay. And then 20 if you look at -- if you look at a 21 meeting from a year later, we'll mark 22 this as 16. 23 (Document marked for 24 identification as Nadel Exhibit 16.)
Page 175 1 THE WITNESS: I just need to 2 review that piece of the document if 3 you -- if you don't mind. 4 (Reviews document.) 5 Yes, that appears to be the 6 case. 7 BY MS. WAGSTAFF: 8 Q. Okay. So coupling the two documents 9 together that we just looked at, the first one 10 being from 2005 and this one being from 2006, 11 around this time frame Syngenta knew the 12 epidemiology showed an increase in Parkinson's 13 disease, and as Dr. Breckenridge stated in the 14 last document, that's where the defense needed to 15 be worked on? 16 MR. NARESH: Objection to the 17 form and the foundation. 18 THE WITNESS: Again, I don't 19 want to answer for Syngenta. I believe 20 there were epidemiological studies which 21 claim that there was an association 22 between paraquat and Parkinson's disease. 23 BY MS. WAGSTAFF: 24 Q. And Dr. Breckenridge was telling the	Page 177 1 BY MS. WAGSTAFF: 2 Q. This was a Valentine's Day meeting 3 in Atlanta that you attended. It is Syngenta 4 0470016. 5 A. (Reviews document.) 6 Yes. 7 Q. Okay. And this was a meeting from 8 February 13-14 of 2008. So a year or two after 9 the documents we just looked at, and it took place 10 in Atlanta and it looks like you attended. 11 Do you see that? 12 A. I do. 13 Q. Do you remember attending? 14 A. I do. 15 Q. Okay. And it says this meeting was 16 organized -- 17 "This meeting began with a statement 18 by Jonathan Sullivan who told the participants 19 that the meeting was organized at his request to 20 confront legal issues arising out of litigation 21 anticipated by the company relating to its 22 paraquat products." 23 You see that? 24 A. I do.

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Page 178 1 Q. And that was related to allegations 2 that exposure to paraquat caused Parkinson's, 3 right? 4 A. Yes. 5 Q. Okay. All right. So let's look at 6 -- do you remember what was discussed at that 7 meeting? 8 A. I mean, not specifically. I 9 remember being there and I remember there were a 10 number of people involved, but not specifically, 11 no. 12 MS. WAGSTAFF: Okay. So let 13 me take you back. I'm going to hand you 14 two different exhibits. This is a cover 15 letter and then the attachment. 16 So the cover letter will be 17 Syngenta paraquat ATR-16987892. 18 (Document marked for 19 identification as Nadel Exhibit 17.) 20 MS. WAGSTAFF: And then the 21 attachment will be Exhibit 18. Syngenta 22 PQT-ATR-16987893. 23 (Document marked for 24 identification as Nadel Exhibit 18.)	Page 180 1 Q. Okay. So this is just about two or 2 three months before that summit we just talked 3 about in Atlanta? 4 A. Yes. It appears so, yes. 5 Q. Okay. Do you know if this reporting 6 was what caused that summit to happen? 7 A. I don't know. 8 Q. Okay. So let's look at what Lewis 9 Smith was reporting to you-all in November of '07. 10 A. Yes. 11 Q. So it appears that Dr. Lewis is 12 that? 13 A. He -- I believe he's a PhD, yes. 14 Q. Okay. So it appears that Dr. Lewis 15 attended a neuro -- 16 MR. NARESH: Excuse me. 17 Dr. Smith. 18 MS. WAGSTAFF: I'm sorry. 19 Dr. Smith. 20 THE WITNESS: Oh, yeah. 21 BY MS. WAGSTAFF: 22 Q. Dr. Smith. 23 It appears that Dr. Smith attended a 24 Neurotoxicology Conference in San Antonio last
Page 179 1 BY MS. WAGSTAFF: 2 Q. Let me know when you've had a chance 3 to review this. 4 A. (Reviews document.) 5 Okay. 6 Q. All right. So this is -- this is a 7 summary from Lewis, Lewis Smith, right? 8 A. Yes. 9 Q. And it says here he was the global 10 head of regulatory sciences for Syngenta at the 11 time? 12 A. Correct. 13 Q. And this was to summarize a 14 conference that he had attended in Texas recently, 15 right? 16 A. Yes. 17 Q. And this -- the date of this, if you 18 look at it, is November 19, 2007. 19 Do you see that? 20 A. I do. 21 Q. And he actually sent this to you a 22 couple days later evidenced by the e-mail, and you 23 received this on November 22, 2007? 24 A. Yes.	Page 181 1 week, which would be November of '07; is that 2 right? 3 A. Yes. 4 Q. And the conference lasted four days 5 and was attended by many neurotoxicologists in the 6 United States; is that right? 7 A. That's what he says, yes. 8 Q. And he goes on to say in the next 9 paragraph that actually 160 attendees were at the 10 meeting? 11 A. Yes. 12 Q. He -- he identified people from 13 industry and CropLife there? 14 A. Yes. I think he said the CropLife 15 person didn't turn up. 16 Q. Didn't turn up. Okay. 17 So they were registered and they 18 didn't show up? 19 A. It looks like that. 20 Q. And it talks about how the 21 conference discussed several things like autism, 22 Alzheimer's disease, and Parkinson's disease? 23 A. Yes. 24 Q. You see that?

Page 182 1 A. Uh-huh. 2 Q. And then he talks about specifically 3 with respect to Parkinson's disease recent data 4 was presented by Dr. Tanner on the American 5 Agricultural Health -- Health Study. 6 Do you see that? 7 A. I do. 8 Q. The AHS. 9 It talks about the cost and the 10 scope and the size of that. 11 A. Uh-huh. Yes. 12 Q. And then it says: 13 "The recent data indicated that 14 there is a progress" -- and it says basically -- I 15 don't want to skip over that because that's 16 important. 17 The AHS study involved 80,000 18 participants and cost in excess of hundred million 19 dollars. 20 Do you see that? 21 A. I do. 22 Q. And it says that although it was 23 originally set to look at a relationship between 24 pesticides and cancer, the AHS now has a	Page 184 1 couple of sentences, it says -- 2 A. Uh-huh. 3 Q. -- "The study has been running for 4 10 years." The AHS "study has been running for 10 5 years, and if it continues to run, does have the 6 prospect of providing strong evidence of an 7 association that will be extremely difficult to 8 contradict." 9 Do you see that? 10 A. I do. 11 Q. And that association is referencing 12 the association between paraquat and Parkinson's 13 disease, right? 14 A. I believe so, yes. 15 Q. "This is because it would cost tens 16 of millions to repeat the study even if this were 17 undertaken and it would be many years before the 18 results were available." 19 A. Yes. 20 Q. "Furthermore, Dr. DiMonte, who by no 21 means views pesticides as a major cause of 22 Parkinson's, has shown in non-human primates that 23 paraquat increases the level of synuclein in the 24 brain."
Page 183 1 significant arm of the study devoted to pesticides 2 and Parkinson's disease? 3 A. Yes. 4 Q. And that the recent AHS data 5 indicated that there is a progressive increase in 6 the incidence of Parkinson's disease associated 7 with pesticides, and in particular -- and paraquat 8 in particular. 9 Do you see that? 10 A. I do. 11 Q. So this is multiple times now when 12 Syngenta has received notice of a growing 13 consensus that pesticides are related to 14 Parkinson's and paraquat in particular; is that 15 right? 16 MR. NARESH: Object to the 17 form. 18 THE WITNESS: Of an 19 associate -- they received reports of an 20 association between paraquat and 21 Parkinson's disease, yes. 22 BY MS. WAGSTAFF: 23 Q. Yes. Okay. 24 It says -- then if you go on a	Page 185 1 Do you see that? 2 A. I do. 3 Q. "This protein is strongly associated 4 with Parkinson's Disease in both humans and 5 experimental animals." 6 You see that? 7 A. I do. 8 Q. So what Dr. Smith is saying is that 9 Dr. DiMonte, who is -- does not view pesticides as 10 a major cause of Parkinson's, has shown that 11 exposure to paraquat increases a protein that's 12 associated with Parkinson's disease. 13 Do you see that? 14 A. That's what it says here. 15 Q. Okay. 16 A. Yeah. 17 Q. It is thought to play a role in the 18 severity of the disease and be an indicator of its 19 development." 20 Do you see that? 21 A. Uh-huh. Yes. 22 Q. It says: 23 "The doses Dr. DiMonte used in the 24 monkeys were high, but the study only lasted two

Page 186 1 months. Therefore, the increase of synuclein may 2 well have continued had the study continued." 3 Do you see that? 4 A. I do. 5 Q. So this is all information 6 suggesting an association between paraquat 7 exposure and Parkinson's disease, right? 8 A. You'd have to ask Dr. Smith. I 9 mean, it appears that -- that it does indicate 10 that, yes. Suggesting an association. 11 Q. Okay. And then it says: 12 "Therefore the increase" -- oh, I'm 13 sorry. 14 It says -- strike that. 15 It says: 16 "Data from non-human primates and 17 rodents are providing an increasingly plausible 18 hypothesis that is sustained by epidemiological 19 studies that shows an association between paraquat 20 use and Parkinson's Disease." 21 A. I see that. 22 Q. And then it says: 23 "While it is true to say no causal 24 relationship has been established, had you been at	Page 188 1 Parkinson's Disease and that paraquat was a likely 2 culprit in the development of the disease." 3 I see that, yes. 4 Q. Okay. And this was in November of 5 2007, right? 6 A. Correct. 7 Q. Then he goes on to say: 8 "It is of concern that so many 9 academic neurotoxicologists seem to accept the 10 likely involvement of paraquat in Parkinson's 11 Disease and that this community is virtually 12 unchallenged on what, from our perspective, is 13 highly unlikely. Unless we are able to generate 14 new data on the mechanism of toxicity of paraquat 15 in the brain and provide evidence of an 16 exaggerated response in the C57B6J strain mouse, 17 we shall not halt or far less reverse the 18 perception that paraquat contributes to some 19 extent to the incidence of Parkinson's disease." 20 Do you see that? 21 A. I do. 22 Q. And that's what Dr. Smith was 23 telling Syngenta in November of 2007; is that 24 right?
Page 187 1 the meeting you would have been struck by the 2 consensus amongst the broad group of scientists 3 that environmental factors were primarily 4 responsible for Parkinson's Disease." 5 Do you see that? 6 A. I do. 7 Q. "Also, it was taken as a given that 8 pesticides were a major factor which contributed 9 to Parkinson's Disease and that paraquat was a 10 likely culprit in the development of the disease." 11 Do you see that? 12 A. I do. 13 Q. So what Dr. Smith is reporting to 14 you-all is that there is a general consensus that 15 pesticides play a role or are primarily 16 responsible for Parkinson's, and that it was taken 17 as a given that paraquat was a likely culprit in 18 the development of the disease? 19 MR. NARESH: Objection to form 20 and foundation. 21 BY MS. WAGSTAFF: 22 Q. Do you see that? 23 A. "Taken as a given that pesticides 24 were a major factor which contributed to	Page 189 1 A. Yes. 2 Q. So you will agree with me that there 3 is a general consensus by 2007 that paraquat was a 4 likely culprit in the development of Parkinson's? 5 MR. NARESH: Objection to form 6 and foundation. 7 THE WITNESS: That's what 8 Dr. Smith recorded. 9 MS. WAGSTAFF: Okay. This 10 will be 19. 11 (Document marked for 12 identification as Nadel Exhibit 19.) 13 BY MS. WAGSTAFF: 14 Q. Which is -- please take a look while 15 I describe for the record what it is. 16 Syngenta paraquat MDL-000045518. 17 A. (Reviews document.) 18 Q. Just let me know when you're ready. 19 A. Is there a particular? It's a very 20 long document. So I just -- 21 Q. I mean, I'm going to kind of direct 22 you through it as we go, but I don't want you to 23 -- I want to -- if I ask you something and in the 24 middle of our questioning you need to stop and

Page 190 1 review it, you certainly can, too. You can do it 2 whenever you want. 3 A. Okay. 4 Q. If you'd like me to direct you? 5 A. Let me go through it kind of 6 quickly -- 7 Q. Okay. 8 A. -- and then maybe you could -- 9 Q. Okay. 10 A. -- direct me to specific sections. 11 (Reviews document.) 12 Okay. 13 Q. All right. So this document appears 14 to be -- this was sent by you? 15 A. Yes. 16 Q. To -- and it's labeled "Privileged 17 and Confidential" Attorney-Client Work -- 18 "Attorney Work Product." 19 Do you see that? 20 A. I do. 21 Q. Even though it was created by Lewis 22 Smith, who's not a lawyer, right? 23 A. Correct. 24 Q. Okay. And this is a document that	Page 192 1 identification as Nadel Exhibit 20.) 2 THE WITNESS: Yeah, I 3 corrected a few typos. Yes. 4 BY MS. WAGSTAFF: 5 Q. Okay. So you edited this document 6 and then you circulated it. 7 So this was a document originally 8 created by Syngenta scientists sent to you in the 9 legal department, you edited it, and sent it out 10 to a handful of -- of folks, right? All -- right? 11 A. I corrected a few typos and then 12 passed it on, yes. 13 Q. Do you remember what you corrected? 14 A. I don't. 15 Q. Okay. So you edited the document 16 and then -- 17 A. That's your -- your 18 characterization. 19 Q. Okay. 20 A. I'm not -- 21 Q. Well, you don't know if the typos 22 were substantive or if the typos were -- 23 A. Well, typo generally is not 24 substantive, but I'm not going to argue with you
Page 191 1 was generated by the Paraquat Health Science Group 2 strategy, right? 3 A. Strategy? 4 Q. Health Science Group? 5 A. Yes. 6 Q. And it was their strategy discussion 7 document, right? 8 A. Correct. 9 Q. And this was in March of 2008; is 10 that right? 11 A. Yes. 12 Q. So this was just a month or so after 13 that Valentine's Day meeting in Atlanta? 14 A. Appears that way, yes. 15 Q. A couple weeks, yeah. 16 And you actually edited this 17 document, right? 18 A. I don't know if I edited the 19 document. 20 MS. WAGSTAFF: Here. This 21 might refresh your memory if you edited 22 it. This is what is Exhibit 20. 23 Syngenta PQ-29260218. 24 (Document marked for	Page 193 1 on it. That's fine. 2 Q. Okay. And so you sent it out and it 3 was -- if you turn to the -- I'm going to 4 reference the pages by the numbers right here. 5 A. Okay. 6 Q. Like the big numbers. 7 A. Sure. 8 Q. Okay? Not the Bates. 9 If you look at page 1, it talks 10 about Dr. Smith talks about how in the early 1980s 11 a research team reported that there was an 12 increase in the incidence of Parkinson's disease 13 in areas of North America. 14 Do you see that? 15 A. I do. 16 Q. And that those areas were associated 17 with the use of pesticides? 18 A. I see that. 19 Q. And that those researchers 20 "specifically discussed the possible role of the 21 herbicide paraquat because it had previously been 22 established that the compound MPTP could cause a 23 rapid onset of Parkinsonian symptoms when injected 24 into humans"?

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Page 194 1 A. Yes. 2 Q. Do you see that? 3 A. Yes. 4 Q. So that was as early as the 1980s, 5 there were researchers -- researchers at least 6 suggesting a link between the exposure to paraquat 7 and Parkinson's, right? 8 A. Yes. 9 Q. Okay. Then if you turn to the next 10 page, at the beginning it talks about how: 11 "For a number of reasons, which are 12 documented elsewhere, one of Syngenta's legacy 13 companies was convinced there was no reason to 14 conclude that paraquat would act in a similar way 15 to MPTP." 16 Do you see that? 17 A. I do. 18 Q. And then it goes on to say: 19 "However, by the late 1990s" another 20 group of scientists "reported that high doses of 21 paraquat in combination with the fungicide, MANEB, 22 caused the loss of neurones in the substantia 23 nigra of the C57/B16J strain mice." 24 Do you see that?	Page 196 1 concern." 2 Do you see that? 3 A. I do. 4 Q. And then it talks about how "it was 5 argued that individuals exposed to paraquat may 6 well sustain loss of cells in the substantia 7 nigra, which at an early age would have no 8 clinical consequences." 9 Do you see that? 10 A. I do. 11 Q. And what that is suggesting is that 12 when you are -- when folks are exposed to 13 paraquat, the clinical symptoms may not come 14 for -- show up for a while, right? 15 MR. NARESH: Objection to the 16 form. The foundation. 17 THE WITNESS: (Reviews 18 document.) 19 You're referring to the 20 sentence that says: 21 "For example, it was argued 22 that individuals exposed to paraquat may 23 well sustain loss of cells in the 24 substantia nigra, which at an early stage
Page 195 1 A. I do. 2 Q. And so then subsequent to that 3 finding, she and others reported that the paraquat 4 alone could produce the same effect, although the 5 extent of neural loss caused by paraquat was 6 consistently less than could be achieved by MPTP." 7 Do you see that? 8 A. I do. 9 Q. And then it talks about idiopathic 10 Parkinson's disease. 11 Do you know what idiopathic 12 Parkinson's disease is? 13 A. I'm not sure. 14 Q. Well, I would submit to you that 15 idiopathic means cause unknown. 16 A. Okay. 17 Q. So it says: 18 "Because it was generally accepted" 19 -- this was Dr. Smith, Syngenta own scientist 20 saying: 21 "Because it was generally accepted 22 that idiopathic Parkinson's Disease was likely to 23 be caused by, at least in part, environmental 24 factors, paraquat once again became the subject of	Page 197 1 would have no clinical consequences." 2 BY MS. WAGSTAFF: 3 Q. Right. 4 A. It wouldn't show up earlier, yes. 5 Q. Yeah. Which means that although 6 some of the loss of cells may be affected from the 7 exposure to paraquat, clinical symptoms would not 8 show up at an early stage? 9 A. That's what it says. 10 Q. Okay. And then it says: 11 "However, with time the progressive 12 loss of neurones from the substantia nigra 13 associated with 'normal ageing' would occur, but 14 in those exposed to paraquat, the total loss of 15 cells would be greater, due to the effect of 16 paraquat exposure many years previous." 17 A. That's what it says. 18 Q. And so the suggestion is that the 19 effect of the paraquat exposure sort of lays 20 dormant until a person ages and the total loss of 21 cells occurs due to normal aging? 22 MR. NARESH: Objection to the 23 form and the foundation. 24 THE WITNESS: This says that

Page 198 1 that's what was argued, yes. 2 BY MS. WAGSTAFF: 3 Q. Okay. And then it says: 4 "Thus, normal idiopathic Parkinson's 5 Disease would manifest itself earlier in those 6 exposed to chemicals that caused a loss of 7 neurones in the substantia nigra." 8 Do you see that? 9 A. I do. 10 Q. All right. And then if you turn the 11 page, it talks about the problem -- go to page 4. 12 It says: 13 "In short, the problem is that 14 paraquat is perceived by some as analogous to 15 MPTP." 16 Do you see that? 17 A. I see that, yes. 18 Q. And then if you go down to the 19 bottom of that paragraph, it says: 20 "Those epidemiological studies 21 claiming an association between paraquat and 22 Parkinson's Disease are given more credibility 23 because of the plausibility that paraquat -- 24 paraquat acts, at least in some ways, like MPTP in	Page 200 1 MR. NARESH: Foundation. 2 THE WITNESS: So it says "The 3 request to the Health Science Steering 4 Team," yes. 5 BY MS. WAGSTAFF: 6 Q. So -- I forgot the name of this 7 group. 8 This group is called the Health 9 Science Group, and so they're making an ask to the 10 Health Science Steering Team to agree and support 11 the overall approach of using experimental studies 12 and epidemiological and human studies to provide 13 greater certainty that paraquat cannot cause 14 damage to the brains of humans in a qualitative 15 sense, or that if it can, that the amount of 16 paraquat that is likely to get into the brain is 17 not significant enough to create health concerns 18 from a risk perspective. 19 Right? 20 A. Yes, I see that. 21 Q. Okay. And so to achieve that, the 22 group has come up with these different studies, 23 right, that they want to do? 24 A. They've come up with these, I guess,
Page 199 1 causing the loss of neurones in the brains of 2 experimental animals." 3 Do you see that? 4 A. I do. 5 Q. And then it suggests that one 6 approach to this problem that was just discussed 7 is to create and perform studies. 8 Do you see that? 9 A. Yes. 10 Q. And it talks about four different 11 type of studies that could be carried out. 12 Do you see that? 13 A. I do. 14 Q. And then if you go to page 9 when it 15 talks about "The Request." 16 A. Yes. 17 Q. So this document appears to be 18 talking about sort of the issues that this health 19 Science Team saw, and then this is their ask, 20 right? This is what they want somebody to 21 approve -- 22 MR. NARESH: Objection. 23 BY MS. WAGSTAFF: 24 Q. -- is that right?	Page 201 1 the enumerated items. 2 Q. Action items? 3 A. Yes. 4 Q. And there's 10 action items? 5 A. Yes. 6 Q. Do you know how many of these 10 7 were conducted? 8 A. I don't. 9 Q. Do you know if number 6 is the 10 Widnes report -- epidemiology report by 11 Dr. Tomenson? 12 A. It appears to be. 13 Q. Okay. Do you know if number 8 is 14 the Brent study? 15 A. It appears to be. 16 Q. Do you know if you ever did 17 number 9? If you ever -- if Syngenta ever did a 18 case-control study on paraquat and Parkinson's 19 disease? 20 A. I don't know. 21 Q. So do you know if any of the other 22 -- do you know if Syngenta did action items 1 23 through 5? 24 A. I don't know specifically what they

Page 202 1 did and did not do. 2 Q. Okay. So do you know if Syngenta 3 did number 7 or 8 -- or 7 -- if Syngenta did 4 number -- action item number 7 or 10? 5 A. I don't. 6 Q. Okay. And then if you go to the 7 next page 11, for a budget, it looks like: 8 "The budget for these studies can 9 only be approximated at this stage. For 2008 10 because of the time it takes to set up the 11 studies, it is not expected that the studies and 12 sponsored views will incur costs of more than a 13 million dollars." 14 Do you see that? 15 A. I do. 16 Q. So the Health Science Group is 17 requesting a million dollars to conduct these 10 18 studies to make a further determination of whether 19 or not paraquat can cause damage to the brains of 20 humans? 21 A. I -- I -- yeah, I think they were -- 22 they were requesting that budget, yes. 23 Q. And do you know if that budget was 24 approved?	Page 204 1 underlying document is going to be 2 Exhibit 22, which is the Exponent 3 sensitivity analysis, and it is Syngenta 4 PQ-36932783. 5 THE WITNESS: Uh-huh. 6 (Document marked for 7 identification as Nadel Exhibit 22.) 8 BY MS. WAGSTAFF: 9 Q. Are you familiar with these 10 documents? 11 A. I probably have seen them -- I 12 probably have seen them at some point -- 13 Q. Okay. 14 A. -- but certainly not for some time. 15 Q. Okay. Tell me when you're ready. 16 I'm not going to go into extreme detail of the 17 Exponent. 18 A. All right. As long as you give me 19 some time to -- 20 Q. But you can read it if you want. 21 A. As you ask a question, if it's 22 directed to a particular section -- 23 Q. Okay. 24 A. -- I'd be happy to read that
Page 203 1 A. I don't. 2 Q. Are you familiar with Exponent? 3 A. Somewhat. 4 Q. Okay. You actually sent -- 5 MR. NARESH: If we're -- are 6 you shifting gears? 7 MS. WAGSTAFF: No. 8 MR. NARESH: Okay. 9 MS. WAGSTAFF: Just this one 10 document and we can eat. Is the food 11 here? Is that what you're going to ask? 12 MR. NARESH: I heard them in 13 there, but it's noon. So it's been an 14 hour and a half. 15 MS. WAGSTAFF: Okay. Why 16 don't we do this one document and then 17 we'll be done for lunch. 18 MR. NARESH: Okay. 19 MS. WAGSTAFF: It's actually 20 two. The cover letter is 21 and the 21 cover letter is 36932782. 22 (Document marked for 23 identification as Nadel Exhibit 21.) 24 MS. WAGSTAFF: And then the	Page 205 1 section. 2 Q. Okay. So let's start with 3 Exhibit 21. This is an e-mail that was created in 4 the normal course of your business. 5 And the e-mails that I have shown 6 you today, were those e-mails created in the 7 normal course of your business, to the extent you 8 were on them? 9 MR. NARESH: Object to the 10 form. 11 THE WITNESS: I believe so. 12 BY MS. WAGSTAFF: 13 Q. Okay. So Exhibit 21 it looks like 14 Jack Mandel from Exponent sends you this report on 15 September 11, 2013. 16 Do you see that? 17 A. I do. 18 Q. And what's Exponent? 19 A. I believe Exponent is a company that 20 engages in various kinds of scientific work, 21 toxicology, epidemiology and the like. 22 Q. And people hire them? Company? 23 Industry hires Exponent? 24 A. Well, we certainly have hired them

Page 206 1 from time to time. 2 Q. Okay. And you then forward this AHS 3 review of Tanner to Mr. Sullivan the next day, 4 September 12, 2013. 5 Do you see that? 6 A. Yes. 7 Q. It contains the designation 8 "CONFIDENTIAL: Attorney-Client Work Product." 9 Do you see that? 10 MR. NARESH: Object to form. 11 Would you restate it? You said "this" 12 and it was unclear. 13 BY MS. WAGSTAFF: 14 Q. It says as you write to 15 Mr. Sullivan: 16 "As you will note, it contains the 17 designation 'CONFIDENTIAL: Attorney-Client Work 18 Product.'" 19 Do you see that? 20 A. So you're referring to the Exponent 21 report? 22 Q. Yes. 23 A. Yes. 24 Q. "I believe he included this	Page 208 1 Q. Okay. And so did you ever remove 2 the confidential attorney-client work product 3 from? 4 A. From what? 5 Q. You said that: 6 "I am considering asking him" -- 7 meaning Jack Mandel -- "to remove it." 8 Did you ever do that? 9 A. I don't recall. 10 Q. Okay. And this is a draft of 11 Exponent's review of the Tanner study, right? 12 That's what your e-mail says? 13 A. Yes. 14 Q. Okay. And the Tanner study was a 15 2011 report that found an association between 16 paraquat and Parkinson's, right? 17 MR. NARESH: Objection to the 18 foundation. 19 THE WITNESS: As far as I 20 remember, I think it did -- it did claim 21 an association. Correct. 22 BY MS. WAGSTAFF: 23 Q. Okay. And then Syngenta hires 24 Exponent to do a review of that study?
Page 207 1 designation because I asked him to take on the 2 assignment." 3 A. Uh-huh. Yes. 4 Q. And then you said: 5 "I believe this designation will not 6 hold up." 7 A. I did say that, yes. 8 Q. "I am considering asking him to 9 remove it once you and I have reviewed, but wanted 10 to get your opinion." 11 Do you see that? 12 A. I do. 13 Q. And so this was September of 2013, 14 less than a year after that 2012 order which found 15 that Syngenta had misused the "Attorney-Client 16 Work Product" designation? 17 MR. NARESH: Object to the 18 form. 19 THE WITNESS: Again, I don't 20 think that's what the order said. 21 BY MS. WAGSTAFF: 22 Q. But this is within a year of that 23 order? 24 A. It appears to be, yes.	Page 209 1 A. I think that's correct. 2 Q. And, generally speaking, Exponent 3 supported the Tanner findings? 4 MR. NARESH: Objection to the 5 foundation. 6 THE WITNESS: I would have to 7 read it. I don't remember what -- what 8 their opinion was ultimately. 9 BY MS. WAGSTAFF: 10 Q. Okay. And do you know if this 11 Exponent article that supports the Tanner findings 12 was ever published? 13 A. I have no idea. 14 Q. Do you know if this Exponent study 15 was ever provided to the EPA? 16 A. I don't know. 17 Q. Do you know if this Exponent study 18 was ever provided to any regulatory agency? 19 A. I don't know. 20 Q. And do you know if this Exponent 21 document today remains under the attorney-client 22 work product doctrine? 23 A. Well, I mean, it's been provided. 24 So I assume not.

Page 210 1 Q. It's been -- is it a publicly 2 available document? 3 A. I have no idea. 4 MS. WAGSTAFF: All right. No 5 further questions on that. We can take a 6 lunch break. 7 THE VIDEOGRAPHER: Time is 8 12:09 p.m. We are going off the record. 9 (Whereupon, at 12:09 p.m., a 10 luncheon recess was taken.) 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 212 1 2008? 2 A. Yes. 3 Q. And this was -- this meeting was 4 about -- we decided about three months after 5 Dr. Lewis sent his summary of the conference in -- 6 in Texas? 7 A. Dr. Smith. Yes, I believe so. 8 Q. You remember that? 9 And just to sort of reorient the 10 jury because we've been out for a few minutes, the 11 consensus from Dr. Smith if you want to -- what 12 exhibit was that? 13 That one you have your hands. 14 A. This one right here? 15 Q. Yes. 16 A. Yeah. 17 Q. So you remember that was Dr. Smith's 18 notes from November of '07, and then you looked to 19 this meeting on Valentine's Day of '08. 20 The temporal difference is about 21 three months, right? 22 A. Yes. 23 Q. Give or take. 24 And it says in the notes of -- of
Page 211 1 AFTERNOON SESSION 2 (12:50 p.m.) 3 ALAN NADEL 4 called for continued examination and, having been 5 previously duly sworn, was examined and testified 6 further as follows: 7 EXAMINATION (CONTINUED). 8 THE VIDEOGRAPHER: Time is 9 12:50 p.m. We are now on the record. 10 BY MS. WAGSTAFF: 11 Q. All right. Mr. Nadel, are you ready 12 to continue? 13 A. Yes. 14 Q. Okay. So you have your exhibits 15 there, and I think at one point I gave you -- 16 Do you see the notes from number 16? 17 If you could pull up number 16? 18 Do you have that? 19 A. Let's see. 16. Yes. 20 Q. All right. And this is a -- this is 21 action notes from the Atlanta meeting that was 22 February 13-14 -- 23 A. Yes. 24 Q. -- 2008, the Valentine's Day meeting	Page 213 1 this. 2 Okay. In Exhibit 16, it says that: 3 "The meeting began with a statement 4 by Mr. Sullivan who told the participants that the 5 meeting was organized at his request to confront 6 legal issues arising out of litigation anticipated 7 by the company relating to its paraquat products." 8 Right? 9 A. Yes. 10 Q. And to just sort of, like I said, 11 reorient the jury, three months prior Mr. Sullivan 12 as well as yourself had a summary from Dr. Smith 13 wherein he stated "It was taken as a given that 14 pesticides were a major factor which contributed 15 to Parkinson's disease and that paraquat was a 16 likely culprit in the development of the disease." 17 Correct? 18 A. Yes, that's what is stated. 19 Q. Okay. So three months later a 20 summit is convened in Atlanta. 21 And these are the notes from the 22 meeting that you attended. 23 A. Yes. 24 Q. You testified earlier that you

Page 214 1 remember attending that meeting? 2 A. I do. 3 MS. WAGSTAFF: And then here 4 as Exhibit 23 are -- is a copy of the 5 PowerPoint from that meeting. 6 (Document marked for 7 identification as Nadel Exhibit 23.) 8 BY MS. WAGSTAFF: 9 Q. It is marked "Privileged & 10 Confidential," right? 11 A. Yes, it is. 12 Q. And this is relating to the same 13 Valentine's Day meeting in Georgia in Atlanta; is 14 that right? 15 A. Yes. 16 Q. Okay. So I'm going to refer to the 17 pages of the actual PowerPoint, right? 18 A. Okay. 19 Q. Sort of just flipping back to the -- 20 to the notes, it says that this meeting was 21 convened to confront "legal issues rising out of 22 litigation anticipated by the company relating to 23 its paraquat products." 24 Do you see that?	Page 216 1 to form to the extent it's calling for 2 corporate testimony. 3 THE WITNESS: I don't know 4 really the designation here. I don't 5 recall what third parties were referring 6 to. I mean, Wikipedia certainly is not a 7 Syngenta source. 8 MS. WAGSTAFF: Okay. So I'm 9 going to hand you 252. This will be 10 document 24. 11 (Document marked for 12 identification as Nadel Exhibit 24.) 13 BY MS. WAGSTAFF: 14 Q. Let me know when you have a chance 15 to review. 16 A. (Reviews document.) 17 Okay. 18 Q. All right. So referring to -- to 19 Wikipedia, it looks as though Syngenta hired 20 someone to edit the Wikipedia sites relating to 21 paraquat under a pseudonym; is that right? 22 A. Let's see. The give me one second. 23 MR. NARESH: I'll object to 24 the foundation.
Page 215 1 A. I do. 2 Q. All right. So now going to the 3 PowerPoint, it talks about "Communications 4 principles Pre-litigation." 5 It's telling everybody to "be 6 reactive, be aware, and be agile," right? 7 A. I see that, yes. 8 Q. And then if you to the next page, 9 page 4? 10 A. Yeah. 11 Q. It says "Third parties, activist 12 websites, Wikipedia, blogs and news sources," 13 right? 14 A. Yes. 15 Q. How did Syngenta use Wikipedia? 16 MR. NARESH: Objection to 17 form. Foundation. 18 THE WITNESS: I don't think 19 we -- as far as I know, we didn't use 20 Wikipedia. 21 BY MS. WAGSTAFF: 22 Q. Did Syngenta portray Wikipedia as an 23 independent third-party source? 24 MR. NARESH: Again, objecting	Page 217 1 Go ahead. Whenever you're 2 ready. 3 THE WITNESS: (Reviews 4 document.) 5 It looks like this individual, 6 Alan Baylis, was involved somehow with 7 editing the Wikipedia article on 8 paraquat. 9 BY MS. WAGSTAFF: 10 Q. And Syngenta was paying him? 11 A. I don't -- I don't know the details 12 of the relationship. 13 Q. Do you know the pseudonym that he 14 was using? 15 A. No. 16 MS. WAGSTAFF: Okay. I'll 17 give you what's been marked as 18 Exhibit 25. 19 (Document marked for 20 identification as Nadel Exhibit 25.) 21 THE WITNESS: Ah. All right. 22 Yes, uh-huh. 23 BY MS. WAGSTAFF: 24 Q. All right. If you start at the

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Page 218 1 bottom, it's talking about Alan Baylis this 2 gentleman who was updating Wikipedia on behalf of 3 Syngenta using a pseudonym, that he is sending, he 4 had sent over -- if you look at the bottom -- back 5 in July, I think that is, of 2012. 6 He says this reminded -- 7 He said: 8 "Have you listened to the interview 9 with the academic on this page? He makes a 10 worrying statement... 'all the information is out 11 there... you just have to go to Wikipedia and it 12 will tell you.'" 13 You see that? 14 A. Yeah. 15 Q. And then he says: 16 "This reminded me that you said the 17 lawyers were looking over the few paragraphs I 18 drafted about paraquat's soil properties. When 19 they have approved them I can post them if you 20 like." 21 Do you see that? 22 A. Yes. 23 Q. And then Ms. Navarro forwards it to 24 you and Mr. Sullivan, the two lawyers that were	Page 220 1 content, assuming it is accurate and does not give 2 rise to any copyright issues, but I do wonder how 3 the insertion of the contribution under a 4 pseudonym by a paid consultant to Syngenta" -- so 5 now we know Syngenta was paying him -- "might be 6 perceived and portrayed were this to come to light 7 in the future (and what rules or guidance 8 Wikipedia itself has established that could be 9 relevant." 10 Do you see that? 11 A. Yes. 12 Q. And then you wrote: 13 "We had an external" -- oh, he said: 14 "How did you proceed in the other 15 atrazine?" 16 A. Atrazine. 17 Q. He said: 18 "We had an external consultant do 19 it." 20 And then you said: 21 "We need to decide whether that is 22 preferable since there is still a risk it can be 23 traced back to Syngenta." 24 Do you see that?
Page 219 1 reviewing the ghost writing that he was doing. 2 A. Okay. 3 Q. Do you see that? 4 MR. NARESH: Object to the 5 form. 6 THE WITNESS: She -- she -- 7 she sends it to myself and she sends it 8 to Jonathan, yes. 9 BY MS. WAGSTAFF: 10 Q. Yeah. And then Jonathan -- 11 Mr. Sullivan decides at this point that this is 12 confidential and privileged information and labels 13 it as such, and he says in the second paragraph: 14 "As I understand it, Alan Baylis is 15 proposing that he submit to Wikipedia using a 16 pseudonym a contribution regarding the property of 17 paraquat to degrade in the soil." 18 Do you see that? 19 A. Uh-huh. Yes. 20 Q. And then you respond and said: 21 "We need to decide whether that is 22 preferable since" -- well, he says -- Mr. Sullivan 23 says: 24 "I have no difficulty with the	Page 221 1 A. I do. 2 Q. So why would it matter -- why would 3 you not want -- if Syngenta's lawyers are editing 4 the content, why would you not want it to be 5 traced back to Syngenta? 6 MR. NARESH: Object to the 7 form. 8 THE WITNESS: I don't think 9 the lawyers were editing the content. I 10 think Alan Baylis was doing that. 11 BY MS. WAGSTAFF: 12 Q. Well, it says: 13 "Your lawyers are looking over the 14 few paragraphs I drafted about paraquat soil." 15 A. Uh-huh. 16 Q. "When they have approved them." 17 A. Uh-huh. 18 Q. So they had to be approved by 19 Syngenta's lawyers. 20 So if Syngenta's lawyers are 21 approving and/or editing why wouldn't you want 22 that to be traced back to Syngenta? 23 A. I don't recall this discussion, what 24 the thinking was here.

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Page 222 1 Q. Was it so it could appear to be an 2 independent content when it really wasn't? 3 A. I -- I don't remember. 4 Q. Okay. Are you familiar -- you can 5 put those aside. 6 A. Okay. 7 Q. Do you remember earlier today when 8 we were talking about how Syngenta was 9 anticipating litigation related to paraquat and 10 the association with Parkinson's as early as 11 2005-2006? 12 A. I remember that discussion, yes. 13 Q. Okay. And do you remember the 14 discussion that Syngenta knew that the 15 epidemiology would be a key part of that 16 association? 17 MR. NARESH: Objection to 18 form. 19 THE WITNESS: I think that 20 was Mr. Breckenridge's opinion, yes. 21 BY MS. WAGSTAFF: 22 Q. Yep. 23 And then Mr. Brecken -- 24 Dr. Breckenridge --	Page 224 1 of paraquat? 2 MR. NARESH: Objection to the 3 form and the foundation. 4 THE WITNESS: I don't know 5 what Syngenta is using today to support 6 the safety of paraquat. 7 BY MS. WAGSTAFF: 8 Q. Okay. This was pulled off of the 9 internet of -- on 4/30/2024, which I guess was 10 like four, five days ago? 11 A. Okay. 12 Q. At 4:28 p.m. 13 (Document marked for 14 identification as Nadel Exhibit 26.) 15 BY MS. WAGSTAFF: 16 Q. This is from paraquat.com, which is 17 a website that Syngenta maintains and operates, 18 right? 19 A. That's -- yes. 20 Q. And this is called Parkinson's and 21 paraquat disease, and if you go to the very -- 22 what's called 3 out of 4, do you see the 23 "Conclusion"? 24 A. And I'm sorry. Yeah, uh-huh.
Page 223 1 A. Dr. Breckenridge. 2 Q. Dr. Breckenridge stated that the 3 defense of such an attack would be made strongest 4 through the epidemiology. 5 Do you remember that? 6 A. Yes. 7 Q. Okay. And then do you remember when 8 the Health Science Group recommended doing the 9 Widnes and the Brent studies? 10 A. Yes. 11 Q. And, in fact, Syngenta did conduct a 12 Widnes and a Brent study, right? 13 A. Yes. 14 Q. Okay. So let's talk about the 15 Widnes. Those are epidemiology studies that were 16 paid for by Syngenta, right? 17 A. They were Syngenta studies, yes. 18 Q. Okay. 19 A. Paid for by Syngenta, correct. 20 Q. Designed by Syngenta -- 21 A. Yes, uh-huh. 22 Q. -- and paid for by Syngenta. 23 And, actually, today they're the 24 documents that Syngenta uses to support the safety	Page 225 1 Q. So this is -- this is what Syngenta 2 chooses to put on its website about the 3 association between paraquat and Parkinson's 4 disease, right? 5 A. Yes. 6 Q. Okay. And if you go to the 7 "Conclusion," the second paragraph, it's talking 8 about the epidemiology studies that we've been 9 referencing today. 10 A. Yes. 11 Q. And says: 12 "The epidemiologic studies on the 13 association between paraquat exposure and PD 14 continue to be inconclusive. A key weakness of 15 many studies is their lack of robust exposure 16 assessment. The biological plausibility of such 17 an association is also reduced by the absence of 18 neuropathological evidence for dopaminergic cell 19 loss. Two publications which investigated the 20 onset of PD (Tomenson) or signs of parkinsonism 21 (Brent) after confirmed long-term or high-dose 22 exposure to paraquat indicate that exposure to 23 paraquat does not result in the development of PQ 24 in humans."

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Page 226 1 Do you see that? 2 A. I do. 3 Q. And nowhere on there does it say 4 that those two studies were commissioned, paid 5 for, and designed by Syngenta, right? 6 A. It does not. 7 Q. Okay. And so those are the two 8 studies of all the epidemiology studies that 9 Syngenta right now is using to support the safety 10 of paraquat? 11 MR. NARESH: Objection to the 12 form. 13 THE WITNESS: I mean, I 14 haven't read the entire document -- 15 BY MS. WAGSTAFF: 16 Q. Sure. In the "Conclusion"? 17 A. -- but in the "Conclusion," yes. 18 Q. Are there any other epidemiology 19 studies? 20 A. None listed. 21 Q. Is the Agricultural Health Study, 22 which we just saw had 80,000 people and cost a 23 hundred million dollars, are those results in 24 there?	Page 228 1 employee, right? 2 A. I believe that's correct. 3 Q. Okay. And it was published in 2011? 4 A. Sounds right. 5 Q. Okay. And, generally speaking, it 6 was at a factory called the Widnes factory, right? 7 A. The Widnes plant or -- 8 Q. Plant? 9 A. Yeah, uh-huh. 10 Q. And where was that? 11 A. I believe it was in the UK. 12 Q. Okay. And basically the -- in the 13 '60s and '70s, there was an issue with skin cancer 14 or skin disease, and so Syngenta started following 15 their employees. 16 Is that generally speaking? 17 MR. NARESH: Objection. 18 BY MS. WAGSTAFF: 19 Q. Or why don't you tell me -- 20 A. I -- 21 Q. -- the important pieces of the 22 Widnes study. 23 A. All I remember about the Widnes 24 study is that these were individuals employed in
Page 227 1 A. No. 2 Q. Is the Tanner results from 2011 in 3 there? 4 A. No. 5 Q. Just these two studies, right? 6 A. Correct. 7 Q. All right. So let's talk about 8 these two studies. 9 Let's talk about: Are you familiar 10 with these studies? 11 A. Somewhat, yes. 12 Q. Okay. So the Widnes study, this was 13 done -- Tomleson was -- how do you pronounce his 14 name? 15 A. I think it's Tomenson. 16 Q. Tomenson. Sorry. Like Tomenson? 17 A. Yeah. 18 Q. He was a Syngenta scientist, right? 19 A. I think at one time he was employed 20 by the company, but then I think he was -- he left 21 the company and continued sort of in private 22 practice. 23 Q. Okay. And so when he did this 24 study, he was a paid consultant, no longer an	Page 229 1 manufacturing paraquat, and so they were -- it was 2 ultimately they were looked at to determine 3 whether or not they had park -- any of them had 4 Parkinson's disease, what's the incidence was. 5 That's about all I remember. 6 Q. And you did that by looking at -- 7 the investigators did that by looking at death 8 certificates, right? 9 A. I believe that's correct. 10 Q. And it's true that with Parkinson's 11 a lot of times the cause of death is secondary to 12 Parkinson's; is that right? 13 A. I don't -- I don't know. 14 Q. Okay. And when you decided to -- 15 when -- when it was decided to conduct this study, 16 Syngenta had already looked at all of the death 17 certificates? 18 A. I don't recall. 19 Q. Okay. And there are people who have 20 criticized this study as being too small in power 21 to tell any real significant scientific causal 22 links? 23 MR. NARESH: Objection to the 24 form and the foundation.

Page 231 1 THE WITNESS: I mean, all 2 that I remember is that there were 3 acknowledged weaknesses in the Widnes 4 study and that was never -- it was 5 never -- we never made a secret of that. 6 BY MS. WAGSTAFF: 7 Q. You never made a secret of the -- of 8 the weaknesses? 9 A. Correct. 10 Q. And what were the weaknesses? 11 A. I don't recall. 12 Q. All right. And you would agree that 13 one of the weaknesses is that a lot of the 14 exposure discussed was acute toxicity, which is 15 different than what the plaintiffs here are 16 alleging? 17 A. I don't know. I don't recall that. 18 Q. Okay. What do you recall about the 19 Brent study, which was also a former Syngenta 20 employee, correct? 21 A. No, no. Dr. Brent never worked for 22 Syngenta. 23 Q. Okay. 24 A. I believe that that was a study of	Page 232 1 Q. There were no weaknesses to the 2 Brent story? 3 A. I don't recall. 4 Q. Okay. And these documents were 5 generated for -- for litigation purpose, right? 6 A. No, I don't believe that's correct. 7 Q. They were not generated for 8 litigation purposes? 9 A. No. 10 Q. And they were sent to regulators? 11 A. I don't know where they were sent. 12 Q. Okay. Okay. If you can go to 13 Exhibit 14. Well, hang on one second. You don't 14 need to go to that one. 15 A. Okay. 16 Q. What exhibit is this one? 17 (Document marked for 18 identification as Nadel Exhibit 27.) 19 BY MS. WAGSTAFF: 20 Q. All right. Let me know when you've 21 had a chance to review. 22 MR. NARESH: It's 27, right? 23 MS. WAGSTAFF: 27. I still 24 have 28 on my thing.
Page 231 1 individuals who had suffered paraquat poisoning. 2 Q. Uh-huh. 3 A. And he looked at the incidence of 4 Parkinson's disease among those individuals. 5 Q. Okay. And so that's acute 6 poisoning, right? 7 A. Acute poisoning. 8 Q. And so the people typically either 9 died or they just got -- they died from the acute 10 poisoning or they -- they didn't have chronic 11 exposure like the plaintiffs in this litigation 12 are expressing? 13 A. I don't know if any of them did have 14 chronic exposure or didn't. 15 Q. Okay. And what were the weaknesses 16 of the Brent study? 17 A. I don't -- 18 MR. NARESH: Objection to 19 foundation. 20 THE WITNESS: I don't recall 21 that. 22 BY MS. WAGSTAFF: 23 Q. Were there weaknesses to it? 24 A. Not that I'm aware of.	Page 233 1 THE WITNESS: (Reviews 2 document.) 3 Okay. 4 BY MS. WAGSTAFF: 5 Q. All right. And this was the 6 discussion document that we had talked earlier, 7 right? This is referencing that? 8 A. Yes. 9 Q. Okay. And if you look at -- this is 10 an e-mail chain from March of 2008 over the course 11 of one or two days, right? 12 A. Yes. 13 Q. All right. And it says -- it begins 14 with Judith Burton writing an e-mail saying: 15 "You should receive a document 16 entitled 'PQ Health Science Group Strategy - 17 Discussion document.'" 18 A. Yes. 19 Q. And we walked through that one at 20 length, right? 21 A. I believe so, yes. 22 Q. And those were the ones -- that was 23 the document that had the 10 action items? 24 A. I think so, yes.

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Page 234 1 Q. And you agreed that the Brent study 2 and the Tomenson study were in those action items? 3 A. I don't remember right now, but if 4 you say they were, okay. 5 Q. Well, you had -- you had -- that's 6 what -- and the testimony will speak to what the 7 testimony speaks to. 8 A. Okay. 9 Q. And then it gets forwarded to you 10 and it says: 11 "This looks like the final draft, 12 which I am asking Alan Nadel to forward to Geoff 13 Wolff, John Doe" and others "as external counsel 14 and members of the Health Science Steering Group." 15 Do you see that? 16 A. I do. 17 MR. NARESH: Not to interrupt 18 and just so the record is clear, I 19 believe Exhibit 27 is produced from a 20 hard copy file and so I don't -- I don't 21 believe it's actually accurate to reflect 22 that these are all versions of a single 23 thread. I think these are three separate 24 e-mail threads that were maintained in a	Page 236 1 writing to you March 7, 2008 and it's -- the 2 subject is "PQ Health Science Group Strategy - 3 Discussion Document." 4 Do you see? 5 A. I do. 6 Q. Okay. And it says: 7 "This looks like the final draft, 8 which I am asking Alan Nadel to forward to Geoff 9 Wolff, John Doe" and others "as external counsel 10 and members of the Health Science Steering Group." 11 Do you see that? 12 A. Yes. 13 Q. So it looks like the members of the 14 Health Science Steering Group were John Doe, 15 Angela Brady, Sarah Hull, Rob Neill, Jonathan 16 Seabrook. 17 Do you see that? 18 A. I do. It appears to be the case, 19 yes, uh-huh. 20 Q. Okay. And Geoff Wolff is a 21 Fulbright lawyer, right? 22 A. Yes. 23 Q. Okay. And then it says: 24 "Hopefully this will maintain
Page 235 1 hard copy together from the Bates number. 2 So I'll just make that for the record. 3 So this is one. This is one 4 document. 5 MS. WAGSTAFF: Okay. I see 6 what you're saying. So you're 7 saying that -- I mean, the only -- okay. 8 I see what you're saying. 9 MR. NARESH: Yeah. Just so 10 you don't get -- nobody gets tripped up. 11 I think it's three separate documents 12 that were printed out, clipped together, 13 and maintained in hard copy. Even the 14 metadata should reflect -- reflect that. 15 MS. WAGSTAFF: Okay. Well, 16 I'm only going to really talk about the 17 one that's 17038, the middle one. 18 MR. NARESH: Okay. That's 19 fine. 20 BY MS. WAGSTAFF: 21 Q. So if you look at 17038, you see at 22 the bottom? 23 A. Uh-huh. Yes. 24 Q. Okay. So that's from Dr. Smith	Page 237 1 privilege for the document." 2 Do you see that? 3 A. I do. 4 Q. And then what you respond to is: 5 "Jeff and I had provided comments on 6 this draft to Lewis. Among them was our opinion 7 that it would be difficult to characterize the 8 document as privileged. Lewis called me and 9 questioned this advice. He stated that the 10 Company would not be suggesting these studies 11 absent the possibility of litigation." 12 Do you see that? 13 A. I do. 14 Q. So it's fair to say that Syngenta 15 would not be considering the Brent study or the 16 Tomenson study absent the threat of litigation? 17 A. I don't agree with that. 18 Q. You don't agree that that's what the 19 document says? 20 A. No, I don't agree that that was the 21 case. 22 Q. Okay. But you agree that's what the 23 document says? 24 A. That's what it says, yes.

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Page 238 1 Q. Okay. And you just don't agree with 2 the document? 3 A. Correct. 4 Q. Okay. And in keeping sort of with 5 that theme, the legal department had to approve 6 the design of these studies, right? 7 A. No. 8 Q. Of the Brent and Tomenson studies? 9 A. No. 10 Q. No? Okay. 11 This is going back to that meeting 12 in -- Valentine's Day meeting in Atlanta in '08. 13 (Document marked for 14 identification as Nadel Exhibit 28.) 15 BY MS. WAGSTAFF: 16 Q. This was another PowerPoint that was 17 provided at that meeting? 18 A. Yes. 19 Q. This talks about the "Governance of 20 the PQ Health Matters." 21 Do you see that? 22 A. I do. 23 Q. And if you turn to page 2 of the 24 PowerPoint where the actual numbers are here in	Page 240 1 Q. Okay. So this is a leadership 2 meeting to decide how Syngenta is going to respond 3 to the allegations that exposure to paraquat 4 causes Parkinson's? 5 A. I don't think this was a Leadership 6 Team meeting. This was a meeting of the Health 7 Science Team. 8 Q. Okay. Well, it says "Paraquat 9 Issues Leadership Team." 10 Do you see that? 11 A. Yes. 12 Q. Okay. 13 A. But I think that refers to what -- 14 what their responsibilities were of the Leadership 15 Team, not the Health Science Team. 16 Q. Okay. That makes sense. 17 And then you go to the next page, 18 number 3. "Paraquat Health Steering Team." 19 And we've discussed the steering 20 team from time to time today, right? 21 A. I think so, yes. 22 Q. And it talks about the 23 responsibilities of the Paraquat Health Steering 24 Team, right?
Page 239 1 the corner? 2 A. Yes. 3 Q. It describes health matters as the 4 "Overall strategic decisions regarding the 5 management of Syngenta's response to the Reports 6 on the potential association of Parkinson's or of 7 paraquat and Parkinson's Disease." 8 Do you see that? 9 A. Yes, that's under "Top level 10 Leadership Team accountabilities." 11 Q. Yeah, but it defines health matters? 12 A. Where do you see that? I'm sorry. 13 I'm missing that. 14 Q. It says -- 15 A. Oh, yes, I see it. 16 Q. So health -- so when you look at 17 what this meeting is, it's "Governance of Paraquat 18 Health Matters." 19 Health matters is defined as 20 strategic decisions regarding Syngenta's response 21 to an association between paraquat and 22 Parkinson's. 23 You see that? 24 A. Yes, that's what it says. Yes.	Page 241 1 A. Yes. 2 Q. And it says one of them is to do "A 3 scientific evaluation of the Health Matters" -- 4 and the health matters we've already decided is 5 paraquat -- association between paraquat and 6 Parkinson's, right? 7 A. Okay. 8 Q. So this team is tasked with 9 evaluating the science between paraquat and 10 Parkinson's, "including the conduct and design of 11 studies as agreed by the PQ Issues Leadership Team 12 with the approval of Legal." 13 Do you see that? 14 A. I see that. 15 Q. So legal, which is you and 16 Mr. Sullivan, have to approve the design of the 17 studies? 18 A. No, that didn't happen. 19 Q. Okay. That's what this says. 20 A. It does. 21 Q. Although it didn't -- you say now it 22 didn't happen. That's what this -- that's what 23 this document says, though, right? 24 A. Correct.

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Page 242 1 Q. Okay. And if you move a few down, 2 it says that all of this -- this steering team 3 needs to seek the prior advice and approval from 4 legal. 5 Do you see that? 6 A. I'm sorry. Where is that? 7 Q. Right here. 8 A. Oh, I see it. Yes, uh-huh. 9 Q. Okay. Which meant that the Legal 10 Team of you and Mr. Sullivan had to advise and 11 approve all of these actions before they took 12 place; is that right? 13 A. What it says is "Seeking prior 14 advice and approval from Legal." 15 Q. Okay. And then if you go to page 4, 16 we talk about the different teams, the paraquat 17 health subteams. The Science Team is one of them. 18 Do you see that? 19 A. I do. 20 Q. And it says that this is 21 "Responsible for scientific assessment and design 22 and conduct of agreed studies with the approval of 23 Legal." 24 Do you see that?	Page 244 1 A. That's what the document says. 2 Q. Yeah. And you were on the Public 3 Affairs Team, right? 4 A. Yes, apparently. 5 Q. And you were -- as a member of the 6 Public Affairs Team, you were "Responsible for 7 media relations and internal/external 8 communication materials." 9 You see that? 10 A. I wasn't responsible for that. I 11 mean, I often reviewed that material. 12 Q. The team that you were on was -- 13 A. The team. That's listed as the 14 team's responsibility, yes. 15 Q. Yeah. The team that you were on, 16 which was the Public Affairs Team, was 17 "Responsible for media relations and 18 internal/external communications." 19 Do you see that? 20 A. That's what it says. Correct. 21 Q. And then if you go to the last page 22 of the PowerPoint on page 7, it talks about the 23 "Paraquat Health Science Team - Draft Charter." 24 Do you see that?
Page 243 1 A. I do. 2 Q. So, once again, it's saying that the 3 Legal Team has to approve the design and the 4 conduct of the agreed studies. 5 Do you see that? 6 A. It says that. 7 Q. Then do you see that page 5 the 8 "Operating Principles for all Subteams"? 9 A. Yes. 10 Q. So it says that all subteams related 11 to this, which is, you know, this is the 12 overarching principle of Syngenta's strategic 13 response to these allegations that exposure to 14 paraquat causes Parkinson's, that everyone has to 15 seek prior legal advice and approval of proposals 16 from Legal Team. 17 Do you see that? 18 A. That's listed as an operating 19 principle. 20 Q. Yep. Do you see that? 21 A. I do. 22 Q. And then you say that they need to 23 "maintain confidentiality." 24 You see that?	Page 245 1 A. Yes. 2 Q. And the role is "To make a 3 scientific evaluation and technical assessment as 4 to the alleged association of paraquat and 5 Parkinson's Disease and to make recommendations to 6 the paraquat Parkinson's steering committee 7 regarding responses based on the team's 8 conclusions." 9 Do you see that? 10 A. Yes. 11 Q. And the scope is, the first number 1 12 objective of the scope is to design -- the "Design 13 and conduct of experimental investigations and 14 studies that are approved by the steering 15 committee and Legal." 16 Do you see that? 17 A. I see it. 18 Q. Okay. So why was legal having to 19 approved the design studies? 20 A. We didn't. We weren't equipped to 21 approve them. We're not scientists. 22 Q. So why did -- why did the documents 23 in realtime say that that's what you were doing? 24 A. You know, the -- these kind of

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Page 246 1 governance documents were -- the Europeans love 2 these kinds of things, and I just don't -- I don't 3 agree that any of that happened. We were -- we 4 were ill-equipped to approve scientific studies. 5 Q. Okay. Did you respond at the time 6 and say that? 7 A. I don't recall if I did or not. 8 Q. Okay. Well, we would request any 9 document that would show us that you said that you 10 were ill-equipped to approve the design of 11 studies. 12 A. Yeah, that's fine. I'm not a 13 scientist. How -- how could I really approve a 14 scientific study? These are highly technical 15 studies. They're highly technical issues designed 16 by people with a lot of scientific training, of 17 which I had none. 18 MS. WAGSTAFF: All right. So 19 let's go to -- let's go to -- here you 20 go. 21 (Document marked for 22 identification as Nadel Exhibit 29.) 23 BY MS. WAGSTAFF: 24 Q. Oh. I marked the document as	Page 248 1 Q. Right here in the e-mail. 2 A. Oh, I'm sorry. 3 Q. That's okay. 4 A. Ah. Yes. 5 Q. And it looks like they're from 6 December 7th of 2007? 7 MR. NARESH: Teen. 8 BY MS. WAGSTAFF: 9 Q. December 17th of 2007. It goes 10 07/12/17. 11 A. Yeah, I believe so. Yeah. 12 Q. Yeah, and then you're forwarding 13 them two days later. 14 Do you see that? 15 A. Yes. 16 Q. Okay. And so if you look at the 17 notes taken from the telecon meeting, this is from 18 the Paraquat Epidemiology Working Group. 19 Do you see that? 20 A. I do. 21 Q. And it looks like number 3 is 22 discussing both the Widnes and the Brent studies? 23 A. Uh-huh. 24 Q. The first paragraph is the Widnes
Page 247 1 Exhibit 29, Syngenta PQ-19638854. 2 A. Yes. 3 Q. All right. Have you had a chance to 4 review? 5 A. Yes. 6 Q. Okay. So this is a document that 7 you edited for the study group minutes forwarded 8 to you by Jonathan Sullivan. 9 Do you see that? 10 A. No, this -- I'm sorry. It says: 11 Please see the attached comments and 12 suggested revisions to the group minutes forwarded 13 to me by Jonathan Sullivan. 14 So I don't think I actually edited 15 anything here, but I may have. I can't say for 16 sure. 17 Q. Okay. And -- and if you turn the 18 next -- and these are -- if you look, these are 19 the "Paraquat Parkinson's Study Minutes." 20 Do you see that? 21 A. Ah. 22 Q. In the attachment? 23 A. It says "Paraquat Epidemiology Work 24 Group."	Page 249 1 study; is that right? 2 A. I'm sorry. Where? First paragraph 3 of? 4 Q. Of 3. There's two paragraphs in -- 5 A. Oh, yes. Uh-huh. 6 Q. There's -- do you see the two 7 paragraphs in 3? 8 A. Yeah. 9 Q. In the first paragraph under "Cohort 10 studies" discussing the Widnes study, it says that 11 someone has deleted that: 12 "It is accepted that this is an 13 underpowered study; however, it would address a 14 question that is often asked by external 15 scientists." 16 A. Uh-huh. 17 Q. Do you see that? 18 A. Yes. 19 Q. Why was that deleted? 20 MR. NARESH: Objection to 21 foundation. 22 THE WITNESS: I don't -- 23 again, I'm trying to remember if this was 24 something that was done by me or not.

Page 250 1 BY MS. WAGSTAFF: 2 Q. Well, this was something that was 3 circulated by you? 4 A. Yes, it was, uh-huh. 5 Q. And the metadata shows that you 6 deleted it. 7 A. Okay. 8 MR. NARESH: Well, hang on. 9 Are you prepared to make that 10 representation on the record? 11 MS. WAGSTAFF: Yes. 12 MR. NARESH: Because if that's 13 incorrect. 14 MS. WAGSTAFF: Yeah. 15 MR. NARESH: Are you sure? 16 MS. WAGSTAFF: I'm listening 17 to my sticky notes. (Laugh). 18 MR. NARESH: All right. All 19 right. 20 THE WITNESS: Okay. So if I 21 did it, I'm assuming I did it because I 22 didn't think for this internal group that 23 that was -- it was necessary to say that. 24 BY MS. WAGSTAFF:	Page 252 1 MR. NARESH: I'll object to 2 the line of questioning. It's 3 argumentative. 4 BY MS. WAGSTAFF: 5 Q. So you deleted -- you said earlier 6 that and the record will show that you said there 7 were weaknesses of the study. We never hid that. 8 It looks like you are deleting from 9 the notes a very major weakness of the study? 10 A. No. This is an internal document, 11 and really for this discussion, that statement 12 wasn't necessary because everyone knew it. 13 Q. Okay. So because everyone knew it, 14 you just need didn't need to put in the weakness 15 because everyone knew the weakness? 16 A. Everyone did know it. 17 Q. Okay. So, therefore, you don't need 18 to acknowledge it? 19 A. Well, no. It was -- was 20 acknowledged all the time. 21 Q. Just you just deleted it? 22 A. It was not necessary for the 23 purposes of this document. 24 Q. Okay. And what's the purpose of
Page 251 1 Q. Okay. Why not? Why wouldn't -- why 2 wouldn't -- 3 A. Because everyone -- people knew that 4 the -- people knew the shortcomings of the study. 5 No -- I -- as far as I recall, no one ever said 6 Widnes was a perfect study. There were always 7 shortcomings. 8 Q. And this goes with the prior 9 direction to the Syngenta employees to delete 10 drafts, right? 11 A. No. 12 MR. NARESH: Object to the 13 form. 14 BY MS. WAGSTAFF: 15 Q. No? 16 A. Delete drafts. I'm sorry. 17 Q. In the "Think Before You Write" -- 18 A. But this wasn't deleted. 19 Q. -- PowerPoint. 20 A. But this wasn't deleted. 21 Q. Yeah. Someone didn't follow your 22 direction. 23 A. (Laugh). I can't say what they did 24 or didn't do. I know it wasn't deleted.	Page 253 1 this document? 2 A. It's notes of a discussion. 3 Q. And so, obviously, they discussed 4 that it was accepted as an underpowered study. 5 But you're saying that you didn't 6 want a written record of that? 7 A. No, I didn't say that at all. 8 Q. You just deleted it? 9 A. Because it wasn't -- I didn't think 10 it was necessary for this document. 11 Q. Okay. So let's talk about the Brent 12 study. 13 A. Okay. 14 Q. Was it acknowledged on -- well, 15 before we move on. 16 Was it acknowledged on paraquat.com 17 where you used the Widnes study to purport to the 18 safety of paraquat, was it acknowledged there that 19 the Widnes study was an underpowered study? 20 A. I didn't see it in that document. 21 Q. Yeah. 22 And it's not common knowledge to 23 non-Syngenta employees that it's an underpowered 24 study, right?

Page 254 1 MR. NARESH: Objection to form 2 and foundation. 3 THE WITNESS: I have no way 4 of knowing. 5 BY MS. WAGSTAFF: 6 Q. Yeah. 7 MR. NARESH: Give me a second 8 to make the objection. 9 THE WITNESS: I'm sorry. 10 Yeah, sorry. 11 BY MS. WAGSTAFF: 12 Q. Okay. Then moving on to the next 13 paragraph where it starts with "Cohort of 14 survivors from suicide attempts." 15 Do you see that? 16 A. Uh-huh. 17 Q. That's relating to the Brent study, 18 right? 19 A. Yes. 20 Q. The original when you -- when you 21 received the notes it said: 22 "Cohort of survivors from suicide 23 attempts is likely to be the most difficult study 24 to defend scientifically as there will have	Page 256 1 Q. Yeah. So you changed it from 2 "likely to be one of the most difficult studies to 3 defend scientifically" to "will have many 4 confounding factors"? 5 A. That's what the edit reflects. 6 Q. Okay. And then later on you changed 7 "limitations to issues involved." 8 Do you see that? 9 A. I see that edit. 10 Q. So why not use the word 11 "limitations"? 12 A. Again, I thought this was a better 13 phrase to use. It was clearer. 14 Q. Are these the type of -- 15 A. It's actually broader. 16 Q. Well, I don't know about that. 17 But are you -- are these the type of 18 detailed notes that you had told scientists in 19 your "Think Before You Write" not to take? 20 A. No. 21 MR. NARESH: Objection to 22 form. 23 BY MS. WAGSTAFF: 24 Q. And then if you look at number 20
Page 255 1 lifestyle factors, identification of control 2 groups, difficulties and ethics in contacting 3 people who had a suicide attempt many years ago." 4 Do you see that? 5 A. Uh-huh. 6 Q. And you decided to take that out, 7 the language that says "will be the most likely 8 difficult study to defend scientifically." 9 Do you see that? 10 A. I do. 11 Q. Why did you do that? 12 A. Again, I didn't think that was 13 necessary for this document. 14 Q. Did you tell that on paraquat.com 15 that the Brent study would be very hard to defend 16 scientifically? 17 A. I didn't see it there. 18 Q. Okay. And you changed it to 19 something much more general that said "this 20 proposed study will have potential confounding 21 factors." 22 Do you see that? 23 A. It says "this proposed study will 24 have potential confounding factors."	Page 257 1 your -- 2 A. You mean Exhibit 20? 3 Q. Yeah. No. I'm sorry. It's my 4 number 20. Exhibit 30 which is Syngenta 5 PQ-29259777. 6 (Document marked for 7 identification as Nadel Exhibit 30.) 8 THE WITNESS: (Reviews 9 document.) 10 Okay. 11 BY MS. WAGSTAFF: 12 Q. And is this a document that you 13 received in the normal course of business? 14 Here on the bottom right. 15 A. Yes. 16 Q. Okay. And this is Dave Berry 17 circulating those notes after you had sent the 18 edits saying: 19 "Please delete the previous copy of 20 the minutes and replace with this updated 21 version." 22 Do you see that? 23 A. That's what he said, yes. 24 Q. And if you look over to the right,

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Page 258 1 the updated version of the notes that went out had 2 your edits in them incorporated? 3 A. It appears that way, yes. 4 Q. Okay. And the employees were told 5 to delete the version that stated that Widnes was 6 underpowered and Brent would be the most difficult 7 study to defend scientifically, right? 8 A. They were told by Dave Berry to 9 delete the prior version. 10 Q. And the prior version is the version 11 that said that Widnes was underpowered and Brent 12 would be the most difficult study to defend 13 scientifically, right? 14 A. Correct. 15 MS. WAGSTAFF: Okay. And then 16 if you'll look at -- this is document 31. 17 (Document marked for 18 identification as Nadel Exhibit 31.) 19 BY MS. WAGSTAFF: 20 Q. This is action notes from that same 21 summit in Atlanta, the February 2008 summit. 22 I'll represent to you this was 23 pulled from your custodial file. 24 A. (Reviews document.)	Page 260 1 You see that? 2 A. I see that. 3 Q. Why was that deleted? 4 A. I have no idea. 5 Q. Were you the one that deleted that? 6 A. I don't recall deleting this, no. I 7 don't know, but I don't recall it. 8 Q. Okay. So it was deleted that 9 epidemiology -- epidemiology study "would need to 10 be persuasively negative which is difficult to 11 achieve" and "the strong implication is therefore 12 that we require a case control study and the 13 diluted version of "a case control study will be 14 required" was added. 15 A. I see that's the language, which is 16 deleted here, yes. 17 Q. Do you think those phrases say the 18 same thing? 19 A. (Reviews document.) 20 MR. NARESH: Object to the 21 extent it's calling for a scientific 22 analysis, but go ahead. 23 THE WITNESS: I'm not really 24 sure if they say the same thing or not.
Page 259 1 Okay. 2 Q. So this was just a few months later. 3 That prior request to delete the copy of the -- of 4 the original notes was sent December 20, 2007. 5 This is February 2008. 6 You see that? 7 A. I do. 8 Q. So it's a month or two later. 9 These are notes from a meeting that 10 have been deleted or that have been edited as 11 well. 12 And it talks -- the original notes 13 state that: 14 "For an epidemiology study to show 15 no association between paraquat and Parkinson's 16 and to be accepted by the scientific community, it 17 would need to be a persuasive negative which is 18 difficult to achieve and requires a large number 19 of cases. The strong implication is therefore 20 that we will require a case control study." 21 You see that? 22 A. I do. 23 Q. And someone deleted all of that and 24 put "A case control study will be required."	Page 261 1 Certainly the wording is not the same. 2 BY MS. WAGSTAFF: 3 Q. Do you think they have the same 4 meaning? 5 MR. NARESH: Same objection. 6 THE WITNESS: I don't know. 7 BY MS. WAGSTAFF: 8 Q. You don't know if those phrases have 9 the same meaning? 10 A. They don't include all the -- the 11 second phrase that was inserted does not include 12 all the detail of the first phrase. 13 Q. So if a reader -- is a reader left 14 with the same impression after reading the two 15 different versions? 16 MR. NARESH: Objection. 17 Foundation. Form. 18 THE WITNESS: I wouldn't 19 know. I know that the -- the people on 20 the distribution of this would certainly 21 be aware of that. 22 BY MS. WAGSTAFF: 23 Q. All right. If you turn to a couple 24 pages over, it talks about an action item to

Page 262 1 commission a study. It's on the page ending with 2 93. 3 A. Yes. 4 Q. It says: 5 "As a ballpark figure, assuming 2 6 groups of 400 people at 1,000 to 2,000 per 7 patient, the cost will be in the range of -- will 8 be in the region of 2 to 3 million." 9 Do you see that? 10 A. I do. 11 Q. So it would cost 2 to 3 million to 12 conduct one of these feasibility studies? 13 A. I -- that looks like the estimate. 14 Q. Okay. And it would take two to 15 three years? 16 A. That's what it says, yes. 17 Q. And this was in 2008 that this was 18 estimated. 19 Do you know if Syngenta ever 20 conducted this feasibility study? 21 A. I don't know. 22 Q. You don't know one way or the other? 23 A. No. 24 Q. All right. "Cohort Studies. JM	Page 264 1 Attorney Work Product." 2 Q. So "Jack Mandel suggested we conduct 3 studies on plant workers" and then someone 4 scratched out "although the answer would not be a 5 persuasive negative, it is a question we are bound 6 to be asked." 7 A. I see that. 8 Q. Why would you -- why would that be 9 removed? 10 A. I don't know. 11 (Document marked for 12 identification as Nadel Exhibit 32.) 13 BY MS. WAGSTAFF: 14 Q. All right. This is an e-mail that 15 you received. Let me know if you received this in 16 the normal course of your business. 17 A. Yes, it appears so. 18 Q. Okay. 19 MR. NARESH: Do you have a 20 copy? 21 MS. WAGSTAFF: Oh, shoot. 22 Sorry. 23 BY MS. WAGSTAFF: 24 Q. Let me know when you're ready to
Page 263 1 suggested we conduct studies on plant workers." 2 Do you see that? 3 A. Yes. 4 Q. And JM would be Mandel? 5 A. Likely Jack Mandel, yes. 6 Q. That's from Exponent? 7 A. Yes. 8 Q. Okay. So you have non-Syngenta 9 employees at this meeting? 10 A. Yes. 11 Q. And you're still claiming that it's 12 attorney-client work product? 13 MR. NARESH: Object to the 14 form. Are you asking now or? 15 MS. WAGSTAFF: No. I mean, it 16 was written on there attorney -- 17 "Privileged and Confidential - 18 Attorney-Client Work Product." 19 THE WITNESS: I'm not sure 20 who wrote that on there. 21 BY MS. WAGSTAFF: 22 Q. Okay. 23 A. But apparently the determination was 24 made that it wasn't "Privileged and Confidential -	Page 265 1 proceed. 2 A. (Reviews document.) 3 Okay. 4 Q. All right. So this e-mail cascade 5 is from 2009, March of 2009, right? 6 A. Yes. 7 Q. And it is between Matthew Bayliss 8 and Martin Wilks originally, right? 9 A. Correct. 10 Q. And we've talked about that Martin 11 Wilks was involved in the paraquat Parkinson's 12 association team at Syngenta. 13 Who was Matthew Bayliss? 14 A. Matthew Bayliss is a Syngenta 15 attorney located in the UK. 16 Q. Okay. And so Matthew had asked 17 Martin some questions, which Martin then responds 18 to, right? 19 A. Yes, it looks like that. Yes. 20 Q. Okay. And so the way that this 21 e-mail works is the bullet points are the 22 questions, and you can see after each bullet point 23 Martin gives his response, right? Dr. Wilks? 24 MR. NARESH: Object to the

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Page 266 1 foundation. 2 If you know. Go ahead but... 3 THE WITNESS: (Reviews 4 document.) 5 The bullet point -- well, the 6 bulleted points I think are the response. 7 Am I wrong? 8 BY MS. WAGSTAFF: 9 Q. Who's Tony Cherry? 10 A. I don't know who he is. 11 Q. So if you look -- well, I can -- it 12 actually says it right here. 13 So if you look down, it says "The 14 Widnes Mortality Study." 15 That's the one we've been talking 16 about right? 17 A. Yes. 18 Q. And it says: 19 "The following are the thoughts and 20 questions from our UK external counsel -- 21 A. Okay. 22 Q. -- Tony Cherry, in relation to the 23 proposal to carry out and to publish a new 24 mortality study."	Page 268 1 "Generally, I see a lot of risk 2 associated with this for modest potential benefit, 3 because it's so hard to prove a negative." 4 Do you see that? 5 A. Uh-huh. Yes. 6 Q. "If the mortality study showed no 7 excess of paraquat and Parkinsons it would be help 8 to refute the American paper but it couldn't 9 specifically contradict it." 10 Do you see that? 11 A. Yes. 12 Q. "The epidemiologists would no doubt 13 argue about all the usual variables. However, it 14 may confirm the findings or throw up some wholly 15 unpredictable excess cause of death which would 16 give us a new set of problems." 17 Do you see that? 18 A. Yes. 19 Q. And then if you go on to the next 20 paragraph, it says: 21 "The limitations of this sort of 22 study are fully appreciated. It will not be able 23 to disprove an association between paraquat 24 exposure and Parkinson's."
Page 267 1 That's the Widnes study, right? 2 A. Yes. 3 Q. Okay. And then there are those sort 4 of dashes and then I think it says "Response from 5 Tony Cherry." 6 Do you see that on the next page? 7 A. Yes, uh-huh. 8 Q. And so if you go down, it says -- 9 where it says: 10 "There seems to be" -- like right in 11 the middle of the page -- "There seems to be a 12 general view"? 13 A. I see that. 14 Q. Okay. 15 "There seems to be a general view in 16 the scientific community that environmental 17 exposures would have to act for decades in order 18 to influence the manifestation of the disease. In 19 that sense, 'negative' data from Widnes cohort 20 would provide some degree of reassurance." 21 Do you see that? 22 A. I do. 23 Q. The response is: 24 I see a lot --	Page 269 1 Do you see that? 2 A. Yes. 3 Q. So at this point, you have a 4 Syngenta scientist talking with a Syngenta lawyer, 5 and one of them is saying: The limitations are 6 fully appreciated this Widnes study will not be 7 able to disprove an association between paraquat 8 exposure -- 9 A. No, I think these are -- 10 Q. -- and Parkinson's? 11 A. I'm sorry. 12 I believe these are -- aren't these 13 two lawyers talking to each other? Tony Cherry is 14 an attorney apparently. 15 Q. The way I read it is that Martin or 16 that Matthew forwarded Tony Cherry's question, and 17 then Matthew or Martin responded and said, my 18 thoughts are below -- are "inserted into the text 19 below." 20 Do you see in the middle of the 21 page? 22 It says: 23 "Please find my initial thoughts on 24 the points raised by Tony Cherry inserted into the

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Page 270 1 text below." 2 A. Okay. 3 MR. NARESH: I also object to 4 the foundation on the document. 5 BY MS. WAGSTAFF: 6 Q. Do you see that? 7 MR. NARESH: Can I have a 8 standing objection on the foundation of 9 the document? 10 MS. WAGSTAFF: Yeah. 11 THE WITNESS: It's a little 12 unclear but, okay, I see what you're 13 saying. 14 BY MS. WAGSTAFF: 15 Q. Yeah. So it's -- it's -- my 16 understanding is that Martin Wilks is the one that 17 is answering the questions and that Tony Cherry 18 had bulleted. 19 So Dr. Wilks is saying: 20 "The limitations of this sort of 21 study are fully appreciated. It will not be able 22 to disprove an association between paraquat 23 exposure and PD." 24 Do you see that?	Page 272 1 there was an excess of Parkinson's 2 disease. 3 BY MS. WAGSTAFF: 4 Q. And, in fact, it cannot disprove an 5 association between Parkinson's and paraquat? 6 A. Well, how could any one -- 7 MR. NARESH: Objection. 8 THE WITNESS: I'm sorry. 9 MR. NARESH: Objection to 10 foundation and form. 11 THE WITNESS: I'm not a 12 scientist, but I don't know how any one 13 study could disprove that. 14 BY MS. WAGSTAFF: 15 Q. Don't you think that that should be 16 on the website? 17 MR. NARESH: Objection. 18 Foundation. 19 THE WITNESS: Not -- I don't. 20 Not necessarily. 21 BY MS. WAGSTAFF: 22 Q. And then it goes on to say: 23 "Nevertheless, it will allow us to 24 answer the question 'have you looked at your own
Page 271 1 A. I do see that. 2 Q. Now, is that on your paraquat.com 3 website? 4 A. No, it is not. 5 Q. Why not? 6 A. I don't know. 7 Q. You don't let the consumers know 8 that the Widnes study that you are using to prove 9 safety will not be able to disprove an association 10 between paraquat exposure and Parkinson's? 11 A. I don't think it was ever intended 12 to disprove the association. It was intended to 13 look at the workers at Widnes. 14 Q. So it's not intended to prove -- 15 it's not intended to prove that paraquat does not 16 cause Parkinson's? 17 MR. NARESH: Object to the 18 foundation -- 19 THE WITNESS: It supports -- 20 MR. NARESH: -- and the form. 21 THE WITNESS: It supports 22 that conclusion, but it was not intended 23 to disprove anything. It was intended to 24 look at the workers at Widnes to see if	Page 273 1 workforce' which will no doubt be one of the first 2 -- be one of the first to be asked in any 3 litigation." 4 A. Okay. 5 Q. So as we had discussed earlier, the 6 Widnes study was being pursued by the threat of 7 litigation, right? 8 A. No. 9 Q. Okay. "As far as the mortality 10 study is concerned, the data have been monitored 11 over the years by John Tomenson and we know that 12 there is no excess of Parkinson's mentioned on the 13 death certificates." 14 A. Okay. 15 Q. So as you recall, earlier I said 16 before the study was initiated, Syngenta already 17 sort of knew the results because they had already 18 looked at the death certificates? 19 A. Well, I think they knew -- they knew 20 exactly what is being stated here. 21 Q. Yeah. They knew that there is no 22 excess of Parkinson's mentioned on the death 23 certificate. 24 You see that?

Page 274 1 A. I see what it says, yes. 2 (Document marked for 3 identification as Nadel Exhibit 33.) 4 BY MS. WAGSTAFF: 5 Q. All right. This is the next and let 6 me know if -- once you have had a chance to review 7 it and whether or not that e-mail was -- you 8 received that in the normal course of your 9 business. 10 A. I do see that. Uh-huh. 11 Q. Are you ready? 12 A. Yes. 13 Q. Okay. And so this was a -- this was 14 back in July of '09, right? 15 A. Yes. 16 Q. And this was when the company was 17 deciding whether or not to proceed with the Widnes 18 study. 19 And Jack Mandel is -- we've already 20 discussed -- is from Exponent, right? 21 A. Correct. 22 Q. Which is an internal -- an external 23 sort of like -- how would you describe them? An 24 external?	Page 276 1 Q. All right. And then what this is, 2 this is a "Feasibility of Conducting a Prevalent 3 Study of Parkinson's Disease in the Bipyridl 4 Cohort at Widnes." 5 And if you look at the last page of 6 page 3 -- and your attorneys can walk through all 7 of this if they want -- but the very end, the last 8 paragraph, it says: 9 "The study" -- meaning the Widnes, 10 the proposed Widnes study -- "would not be 11 persuasively negative even if zero cases were 12 found." 13 Is that what it says? 14 A. Yes. 15 Q. And then it says: 16 "In summary, a prevalence study of 17 an uncommon, difficult-to-diagnose condition in a 18 small, possibly select, cohort is most unlikely to 19 produce informative results." 20 Do you see that? 21 A. I do. 22 Q. And so what Exponent is telling you 23 is that the Widnes study is not going to produce 24 informative results, right?
Page 275 1 A. External -- 2 Q. Consultant? 3 A. -- toxicology firm or scientific 4 firm. 5 Q. Okay. And Jack Mandel sent you, 6 Mr. Nadel, this "Feasibility of Conducting a 7 Prevalent Study of Parkinson's Disease in the 8 Bipyridyl Cohort at Widnes." 9 Do you see that? 10 A. I do. 11 Q. Okay. And he forwarded you that and 12 then you forwarded it immediately on to other 13 people in the company, including Martin Wilks, who 14 we just talked about, including Dr. Smith, 15 including Mr. Sullivan, and Dr. Breckenridge, 16 right? 17 A. Yes. 18 Q. And you said: 19 "Please see the attachment which I 20 received today from Jack Mandel." 21 And you marked it privileged and 22 confidential. 23 Do you see that? 24 A. Yes, uh-huh.	Page 277 1 MR. NARESH: Objection to the 2 foundation. 3 THE WITNESS: Is unlikely to 4 produce informative. That's -- that's 5 what they're stating. 6 BY MS. WAGSTAFF: 7 Q. And they're telling you that in 8 2009, right? 9 A. Yes. 10 Q. And do you have on paraquat.com that 11 the Widnes study is a difficult -- is a prevalence 12 study of an uncommon, difficult-to-diagnose 13 condition in a small, select cohort and that it's 14 unlikely to produce informative results? 15 A. That statement does not appear 16 there. 17 Q. Yeah. 18 A. Again, this was the opinion of these 19 individuals. This was not necessarily an opinion 20 held by everyone. And, again, the shortcomings of 21 the Widnes study were never kept a secret. 22 Q. All right. Move to strike as there 23 was no question pending and nonresponsive. 24 MR. NARESH: I'll object to

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Page 278 1 that. 2 BY MS. WAGSTAFF: 3 Q. On paraquat.com, did you ever let 4 consumers know about the determination by the 5 Mexican government that it -- that exposure to 6 paraquat can cause Parkinson's? 7 A. That wasn't there and that was 8 contested by -- I believe by the Mexican company. 9 Q. So no, you didn't? 10 A. It was not on there. That's 11 correct. 12 MS. WAGSTAFF: Okay. Let's 13 take a small break. 14 MR. NARESH: Sure. 15 MS. WAGSTAFF: Maybe to the 16 top of the hour, if that's okay? 17 THE VIDEOGRAPHER: Time is 18 1:53 p.m. We are now off the record. 19 (Recess.) 20 THE VIDEOGRAPHER: Time is 21 2:08 p.m. We are now on the record. 22 BY MS. WAGSTAFF: 23 Q. All right. Mr. Nadel -- 24 A. Ready?	Page 280 1 business? 2 A. (Reviews document.) 3 Q. This e-mail? You're cc'ed on that? 4 A. Yes. 5 Q. Do you see -- 6 A. I'm cc'ed on the -- on the Jeff 7 Wolff e-mail. 8 Q. Yes. 9 A. Yes. 10 Q. Okay. And so the e-mail -- Jeff 11 Wolff is the Fulbright & Jaworski lawyer? 12 A. Correct. 13 Q. Okay. And they're talking about -- 14 if you kind of scroll down to the bottom of where 15 the e-mail starts, you're also on the original 16 e-mail where he says attached -- "Jonathan and 17 Alan." 18 It's actually written to you? 19 A. I see it. 20 Q. "Attached are redlined comments and 21 questions concerning the meeting minutes that 22 Jonathan circulated today." 23 Do you see that? 24 A. I do.
Page 279 1 Q. -- are you ready to continue? 2 A. Yes. 3 MS. WAGSTAFF: All right. 4 All right. This is an e-mail 5 that you were copied on from 2008. 6 (Document marked for 7 identification as Nadel Exhibit 34.) 8 BY MS. WAGSTAFF: 9 Q. Let me know when you've had a chance 10 to review and that's marked 34, Syngenta 11 PQ-31451024. 12 And did you receive this e-mail in 13 the regular course of business? 14 A. Yes. I'm just reviewing it quickly. 15 Q. Okay. No problem. 16 A. (Reviews document.) 17 Okay. 18 Q. All right. So this is comments on a 19 paraquat -- the subject is "Comments on paraquat 20 team meeting minutes" from July of 2008, right? 21 If you look in the subject line? 22 A. Yes. 23 Q. All right. And this was a document 24 you said you received in the normal course of	Page 281 1 Q. He said he hadn't had an opportunity 2 to discuss these comments with you "so apologies 3 if any of the questions seem rather rudimentary." 4 Do you see that? 5 A. I do. 6 Q. And then Jonathan -- Mr. Sullivan 7 goes back to him about asking for comments on the 8 draft risk assessment. 9 Do you see that? 10 A. Yes. 11 Q. Okay. So now he's giving different 12 edits on the draft risk assessment. 13 And if you look at what he says, and 14 this is outside counsel in July of 2008 says: 15 "1. The Report is designated as 16 'Privileged' and 'Attorney-work product.'" 17 And then he states that he doesn't 18 believe that that doctrine applies and that it's 19 mislabeled. 20 Do you see that? 21 A. Yes. 22 Q. And then -- and then he states: 23 "The Report" -- the risk 24 assessment -- "contains several statements I would

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Page 282 1 prefer not to fall into the hands of a litigation 2 adversary such as" and then he cites something 3 from the report. 4 A. Uh-huh. 5 Q. "The one constant finding from the 6 body of animal studies is the loss of dopaminergic 7 neurones in the substantia nigra pars compacta of 8 male C57B16J mice. This finding is judged to be 9 real and related to paraquat -- paraquat 10 treatment, and to be adverse in nature." 11 Do you see that? 12 A. I do. 13 Q. So is that a reason to make an edit 14 because you don't want the statement to fall into 15 the hands of a litigation adversary? 16 A. Well, I'm not -- I don't see the 17 actual edit. Is there something that was edited? 18 I don't see that. 19 Q. I'm -- I'm asking you if that's a 20 reason to edit something out because you don't 21 want it to fall into the hands of a litigation 22 adversary? 23 A. I don't -- I mean, I don't know what 24 he was thinking, frankly, and this was something	Page 284 1 A. I wouldn't do that. 2 Q. Okay. Are you familiar with a legal 3 hold document retention policy? 4 A. A legal hold document retention? 5 I'm familiar with a document retention policy. 6 Q. And then are you familiar how that 7 changes once litigation is commenced or do you 8 have -- 9 A. Oh. 10 Q. Does Syngenta have -- what's the 11 phrase that Syngenta uses? 12 A. Well, when we're in it -- when we 13 are served with a summons or complaint or we 14 anticipate litigation, generally we would send out 15 a legal hold notice. 16 Q. Okay. So when I said "a legal hold 17 document retention policy," did you understand 18 what I mean? 19 A. I know what you mean. I don't think 20 we ever stated it as such but, yes, I know what 21 you mean. 22 Q. Okay. So just to be clear, Syngenta 23 has a document retention policy that is generally 24 applicable to all employees?
Page 283 1 which was known to I think -- I believe I heard 2 this many times that there was neuronal cell loss 3 in the particular strain of mice. So I don't 4 know. 5 Q. I'm asking you if it's a valid 6 reason to edit a document because you're worried 7 about saying something that would fall into the 8 hands of a litigation adversary. 9 A. Well, I wouldn't certainly -- I 10 don't think that that's -- that's a consideration 11 he may have had. That wouldn't be a consideration 12 that I would have. 13 Q. It's not a proper consideration, 14 right? 15 A. I'm not saying that. I don't know. 16 I mean, I don't know what was in his mind. 17 Q. I'm not asking you what was in his 18 mind. 19 I'm asking you if you, Mr. Nadel, a 20 36-year lawyer for Syngenta believe that it is a 21 proper reason to edit a paper is to keep 22 information from a litigation -- 23 A. Of course not. 24 Q. -- adversary?	Page 285 1 A. Yes. 2 Q. Right? 3 And then when the company 4 anticipates litigation either because they 5 anticipate it or because they've actually been 6 sued, then certain people in the company go under 7 a more strict and stringent document retention 8 policy? 9 A. Well, they go under a legal hold. 10 Q. A legal hold, yeah. 11 A. Correct. 12 Q. And who decides who goes on the 13 legal hold? 14 A. I think a number of people are 15 involved in those decisions. Certainly the 16 attorneys might know of some people that should be 17 custodians but -- and those individuals may know 18 of other -- other people. I mean, I think it's a 19 decision made by a number of individuals. 20 Q. Okay. And you mentioned earlier 21 that you are the global litigation head? 22 A. Global head of litigation, yes. 23 Q. Global head of litigation. 24 And you also mentioned that you deal

Page 286 1 with a lot of litigation other than the paraquat 2 Parkinson's litigation, right? 3 A. Correct. 4 Q. And so you can -- the company can 5 have multiple litigation holds going on at the 6 same time? 7 A. Correct. 8 Q. Right? 9 And they relate to different people 10 and different -- different parts of the company, 11 right? 12 A. It could. 13 Q. Okay. So I want to talk -- my 14 questions right now until we quit talking about 15 legal holds are going to be related to legal holds 16 relating to exposure to paraquat causing 17 Parkinson's or leukemia. Okay? 18 A. Or leukemia? 19 Q. Uh-huh. 20 A. I'm not -- okay. That's fine. You 21 can ask those questions. I'm not sure. 22 Q. Okay. But, I mean, I don't care 23 about any other legal hold that Syngenta has any 24 other litigation.	Page 288 1 THE WITNESS: I think there 2 were comments made about potential 3 litigation there, but go ahead. 4 BY MS. WAGSTAFF: 5 Q. I mean, to the extent that in 2007 6 of June, we've looked at multiple times now that 7 Mr. Sullivan sent a company-wide letter saying 8 that Syngenta is in the process of analyzing the 9 available data regarding an alleged association 10 between exposure to paraquat and Parkinson's 11 disease? 12 A. Yes. 13 MR. NARESH: Object to the 14 characterization. 15 BY MS. WAGSTAFF: 16 Q. I just read it straight from the -- 17 MR. NARESH: It's not a 18 company-wide letter. 19 BY MS. WAGSTAFF: 20 Q. -- the letter. 21 So despite that, the first legal 22 hold with respect to exposure to paraquat causing 23 Parkinson's disease was not issued until January 24 of 2008 or -- I'm sorry -- March of 2008, right?
Page 287 1 A. Okay. 2 Q. What I'm asking right now is 3 specifically related to Parkinson's and those two 4 injuries. 5 A. Okay. 6 Q. I mean, paraquat and those two 7 injuries. Okay? 8 A. Sure. 9 Q. And if you're confused by my 10 question or it doesn't make sense, you let me 11 know. 12 A. Okay. 13 Q. So we've -- we've talked about 14 earlier that in 2005-2006 time frame, even 2007, 15 that Syngenta was anticipating litigation over the 16 exposure to paraquat causing Parkinson's disease, 17 right? 18 MR. NARESH: Object to the 19 form. 20 BY MS. WAGSTAFF: 21 Q. We've gone through that earlier 22 today? 23 MR. NARESH: The foundation 24 and the form.	Page 289 1 A. I -- 2 MR. NARESH: Objection. 3 Foundation. 4 THE WITNESS: I don't recall 5 exactly when it was issued, but I'll 6 accept that. 7 BY MS. WAGSTAFF: 8 Q. Well, I have a document -- 9 A. Okay. 10 Q. -- just because I don't want to -- 11 (Document marked for 12 identification as Nadel Exhibit 35.) 13 THE WITNESS: Okay. 14 BY MS. WAGSTAFF: 15 Q. This is a letter from you it looks 16 like -- 17 A. (Nods head). 18 Q. -- to "Certain Syngenta Employees." 19 "On March 6, 2008, you received a 20 communication from me concerning retention of 21 documents and emails relevant to potential future 22 litigation involving claims that paraquat 23 herbicide may be associated with the onset of 24 Parkinson's Disease."

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Page 290 1 Do you see that? 2 A. Yes. 3 Q. And that was because a lawsuit 4 Shenkel v. Syngenta had been filed in Los Angeles 5 County, right? 6 A. Yes. 7 Q. But prior to this March of 2008, 8 Syngenta did not have any sort of legal hold with 9 respect to the allegation that exposure to 10 Parkinson's -- or exposure to paraquat can cause 11 Parkinson's disease, right? 12 A. I don't recall if we did or not, but 13 okay. 14 Q. It was not okay. I'm asking you. 15 A. I don't recall what was in place 16 before this. 17 Q. Well, this letter certainly suggests 18 that there was not one already in place, right? 19 A. (Reviews document.) 20 I don't know. I mean, I can tell 21 you that this says there is one in place as of 22 March 6, 2008. 23 Q. Right. 24 So it's not saying we're reminding	Page 292 1 A. Correct. 2 Q. And then Bates number 36. 3 (Document marked for 4 identification as Nadel Exhibit 36.) 5 THE WITNESS: Okay. 6 BY MS. WAGSTAFF: 7 Q. This is a -- was this sent to you in 8 the normal course of your business? 9 It looks like you're cc'ed on it? 10 A. Yes. 11 Q. On July 22nd of 2008. 12 This is the -- Mr. Sullivan encloses 13 a set of the notes of the scenario planning 14 meeting? 15 A. Yes. 16 Q. Held on July 17, 2008 and it's 17 marked "Confidential and Privileged"? 18 A. Yes. 19 Q. And this states as of July of 20 2008 -- if you look to the second page -- "New 21 lawsuits filed alleging the cause" is high. 22 Do you see that? 23 A. I'm sorry. Where is that? 24 Q. Right here. "New lawsuits filed
Page 291 1 you of the legal hold that's been in place. This 2 is sort of initiating a legal hold on March 6, 3 2008? 4 A. It doesn't say that. 5 Q. So you don't -- you don't remember 6 one way or the other? 7 A. I can't say, as I sit here today, 8 whether there was one in place before. 9 Q. Okay. Why would one have been in 10 place before 2008? 11 A. All I'm telling you is, I cannot 12 remember if one was in place. It would not 13 surprise me if one was not in place before this, 14 but I can't remember. 15 Q. Okay. And then July -- let me hand 16 you this what's been marked as -- and this -- this 17 document was created by you, this legal hold 18 notice, right? 19 A. Yes. 20 Q. In the normal course of your 21 business? 22 A. Yes. 23 Q. Okay. And that is Syngenta 24 PQT-ATR-10575343.	Page 293 1 alleging cause" of? 2 A. Yes, I see that. 3 Q. Meaning it's probability of link 4 to -- to -- to Parkinson's disease. 5 And so it's saying that Syngenta 6 believes in July of 2008 that new lawsuits being 7 filed is a high probability. 8 Do you see that? 9 MR. NARESH: I'll object on 10 form and foundation. 11 THE WITNESS: What it says is 12 "New lawsuit filed alleging cause" and 13 then "H" which corresponds to high. 14 BY MS. WAGSTAFF: 15 Q. High. Yep. 16 And the participants of this 17 Paraquat Scenario Brainstorm session appear to be 18 all -- there aren't any science folks on that 19 other than Martin Wilks; is that right? 20 A. That appears to be the case. 21 (Document marked for 22 identification as Nadel Exhibit 37.) 23 BY MS. WAGSTAFF: 24 Q. Okay. And then this is an e-mail

Page 294 1 from you and let me know when you've had a chance 2 to review it. 3 A. (Reviews document.) 4 Okay. 5 Q. All right. And so I was just handed 6 a document that I want to discuss in conjunction 7 with that one -- 8 A. Uh-huh. 9 Q. -- which will put to rest the 10 question of whether or not there was a legal hold 11 prior to your March of '08. 12 (Document marked for 13 identification as Nadel Exhibit 38.) 14 THE WITNESS: (Reviews 15 document.) 16 BY MS. WAGSTAFF: 17 Q. So Exhibit Number 38 is Syngenta 18 PQT-ATR-17796531, and you'll see that Dave Berry, 19 who is an outgoing -- who was an employee for 20 Syngenta, right? 21 A. Yes. 22 Q. He is asking if there is basically 23 instructions to be given "to reinforce that 24 correspondence and all information relating to	Page 296 1 A. Yes. 2 Q. And same with the Exhibit 38 we just 3 reviewed? 4 A. I believe so, yes. 5 Q. Okay. And so in this document, it's 6 been about three years since you issued the legal 7 hold. It's now March of 2011, right? 8 A. Correct. 9 Q. And you are writing something to 10 Mr. Sullivan and the document is called 11 "Preservation Notice Parkinson's REMINDER TO ALL." 12 A. Uh-huh. 13 Q. And you say: 14 "Jeff and I have edited the paraquat 15 document preservation reminder and attach it for 16 your review. Once I receive your ok, I will 17 forward it to Matthew as well." 18 So what you're doing is you are 19 updating the legal hold with respect to paraquat 20 and Parkinson's; is that right? 21 A. I believe that's what was done here. 22 It was edited in some fashion. I believe probably 23 to update it. 24 Q. Yeah. And Mr. Sullivan says that
Page 295 1 paraquat should not be destroyed or deleted from 2 the system." 3 Do you see that? 4 A. Yes. 5 Q. And Jonathan up there, which is 6 Mr. Sullivan, and you're cc'ed on this e-mail 7 responds and confirms that "no documents retention 8 memorandum has been issued in relation to 9 documents concerning paraquat," right? 10 A. Okay. Yes. 11 Q. So at that point, there had not -- 12 which is January of '08, which is about -- January 13 23rd is about six weeks before your litigation 14 hold -- there had not been a litigation hold in 15 place? 16 A. Okay. 17 Q. Okay. Now, going back to the other 18 document that I had handed to you. 19 A. Is this 37? 20 Q. Yeah. 37. 21 And it's 37, Syngenta PQ-11624668. 22 A. Yes. 23 Q. And is this a document that you 24 received in the normal course of your business?	Page 297 1 his "main comment is that there will be a number 2 of people who will be seeing this notice for the 3 first time, because of changes of role since the 4 last reminder was issued on October 8, 2009." 5 Do you see that? 6 A. I do. 7 Q. So the company went about 18 months, 8 almost two years -- almost two years without -- 9 about 18 months without reminding people of their 10 obligation to have a legal hold? 11 A. I can't say. That's what he is 12 saying here. I don't have a recollection of when 13 they were reminded. 14 Q. Okay. And then Lisa Navarro is an 15 example of such an individual. 16 Meaning she's someone who will be 17 hearing this for the first time? 18 A. That's what he says, yes. 19 Q. Okay. So was there no policy to 20 remind people more frequently of their obligation 21 for a legal hold? 22 A. I don't know what the situation was 23 at that time. I know there were periods where we 24 had -- depending on what system was in place,

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Page 298 1 where people were reminded every six months, but 2 the reminder was essentially issuing the same 3 notice again. 4 Q. But here it looks like you hadn't 5 issued it since October of '09? 6 A. That's what he's saying. I don't 7 have any independent recollection of that, whether 8 we did or didn't. 9 Q. But you didn't write back and say, 10 no, no, no, Mr. Sullivan? 11 A. Apparently not. No, I didn't write 12 back. 13 Q. So you went from March of '08 to 14 October of '09 to -- to March of 2011, right? 15 MR. NARESH: Objection. Asked 16 and answered. 17 THE WITNESS: I don't know 18 that. 19 MS. WAGSTAFF: Okay. All 20 right. This is Exhibit 39. 21 (Document marked for 22 identification as Nadel Exhibit 39.) 23 BY MS. WAGSTAFF: 24 Q. And it is Syngenta PQ-01148753_R.	Page 300 1 A. Yes. 2 Q. Okay. So looking at the 3 "Introduction and opening remarks" and it says 4 that JDS -- wait. PAB, who is Phil Botham, I 5 assume? 6 A. I believe so. 7 Q. "Introduced the structure of the 8 meeting and invited JDS" -- who would be 9 Mr. Sullivan, right? 10 A. Yes. 11 Q. "To remind all meeting participants 12 of the position regarding taking of individual 13 notes of the meeting." 14 You see that? 15 A. I do see that. 16 Q. And that is, the position is that 17 taking individual notes is discouraged, right? 18 A. Well, I don't know what he said. 19 Q. But that's from your -- your prior 20 experience with him and from your "Think Before 21 You Write" PowerPoint, taking notes, personal 22 notes of a meeting is discouraged, right? 23 A. I don't think it said that. 24 Q. So you don't know one way or the
Page 299 1 A. (Reviews document.) 2 Q. Let me know when you're ready to 3 proceed. 4 A. (Reviews document.) 5 Okay. 6 Q. All right. So if you look at the 7 "Introduction and opening remarks," are these -- 8 these are minutes from the Paraquat Health Science 9 Team, right? 10 A. They appear to be, yes. 11 Q. And this is a meeting that you were 12 present for, right? 13 A. Yes. 14 Q. And this is something you would have 15 received in the normal course of business? 16 A. I don't think I was there for the 17 entire time. It says "A Nadel (part time)." So I 18 was there, I suppose, for some portion of the 19 meeting. 20 Q. Okay. And these were minutes that 21 you would have received in the normal course of 22 your business? 23 A. I believe so. 24 Q. And they're marked "Confidential"?	Page 301 1 other? 2 A. I don't -- I don't know. I don't 3 know if I was present for that part of the 4 meeting, number one. I don't recall exactly what 5 he said, and I don't believe the presentation said 6 taking individual notes are discouraged. 7 Q. Okay. Are taking individual notes 8 discouraged? 9 A. No. 10 Q. Okay. "JDS reminding the meeting of 11 the position post-May 2014 with the lifting of the 12 legal hold outside of the U.S." 13 So JDS is Mr. Sullivan. 14 "The U.S. legal hold remains in 15 place with an ongoing California leukaemia case 16 alleging exposure to paraquat amongst other 17 pesticides." 18 A. I see that. 19 Q. So this is to say that outside of 20 the U.S., the litigation hold has been lifted in 21 full, and inside the U.S. -- the United States, 22 the litigation hold remains only with respect to 23 paraquat exposure causing leukemia -- 24 MR. NARESH: Objection.

Page 302 1 BY MS. WAGSTAFF: 2 Q. -- is that right? 3 MR. NARESH: Objection to 4 form. Foundation. 5 BY MS. WAGSTAFF: 6 Q. Is that a fair understanding of 7 that? 8 A. That's -- that's what it says. 9 Q. It says: 10 "There had been no new litigation 11 claiming linkage between paraquat and Parkinson's 12 disease since the dismissal of the April 2012 of 13 the Adame lawsuit but it was possible that such 14 claims can be made in the future." 15 Do you see that? 16 A. Yes, I see that. 17 Q. So Syngenta wasn't ruling out that 18 future claims could be filed, right? 19 A. We never rule that out as to any of 20 our products. 21 Q. Especially ones that have just 22 gotten -- gone through litigation? 23 A. No, I wouldn't say that. I mean, 24 you're in the pesticide business. You could have	Page 304 1 A. Doesn't say that. 2 Q. I'm asking if that's what happened. 3 A. I have no idea. Normal record 4 retention would apply. So if there were reasons 5 to retain those documents independent of a legal 6 hold, they would have been retained. 7 Q. Okay. And do you know if there 8 were? 9 A. I do not. 10 Q. Because Syngenta said it's possible 11 that such claims could be made in the future, was 12 there -- did they retain what they had been 13 holding? 14 A. If -- if we followed that rule, we 15 would retain every single document regarding every 16 product forever. 17 Q. So yes or no? 18 A. What's the question? 19 Q. I said: Syngenta knew that such 20 future claims could be made. 21 Did they continue to hold the 22 documents pre-May of 2014? 23 A. Well, it -- 24 MR. NARESH: Objection. Form
Page 303 1 litigation on any of your products at any time. 2 Q. Okay. RAB, which I believe to be 3 R.A. Brown? 4 A. Yes, I believe so. 5 Q. "Asked in the context of his leaving 6 the Company in September of 2015." 7 So looks like this was July. So he 8 was leaving the company in, like, 90 days. 9 A. Okay. 10 Q. "What the process is for handing 11 over of documents and electronic records." 12 Do you see that? 13 A. I do. 14 Q. Mr. Sullivan "stated that following 15 the lifting of the legal hold in Switzerland and 16 the UK there are no specific obligations on 17 employees in those countries in relation to 18 paraquat." 19 A. That's what it says. 20 Q. "I.e. normal functional record 21 retention policies." 22 Is that to say that in May of 2014 23 all the documents that had been previously held 24 were just purged?	Page 305 1 and foundation. 2 THE WITNESS: It says that 3 the legal hold was released outside of 4 United States. 5 BY MS. WAGSTAFF: 6 Q. Okay. 7 A. So documents may have been held or 8 they may not have. I don't know. 9 Q. Meaning, like, going forward normal 10 retention policies happen, but all the documents 11 that had been held for litigation, were they 12 purged? 13 A. I don't know, and there may have 14 been other reasons to retain those documents. 15 Q. And you don't know one way or the 16 other? 17 A. I do not. 18 Q. And then the legal hold was 19 reinstated a little while later, right? 20 A. You'd have to show me a document. 21 I'm not sure when it was reinstated or if when. 22 MS. WAGSTAFF: Okay. Can I 23 have 41? 24 MR. NARESH: 41 or 40?

Page 306 1 MS. WAGSTAFF: 40, yeah. 2 (Document marked for 3 identification as Nadel Exhibit 40.) 4 BY MS. WAGSTAFF: 5 Q. And this is document from Mark 6 Smith, who's in-house counsel at Syngenta, 7 correct? 8 A. Correct. 9 Q. And in January of -- January 25 of 10 2016, he issued a legal hold with respect to 11 paraquat causing Parkinson's; is that right? 12 A. That appears to be the case, yes. 13 Q. And do you know why that legal hold 14 was reissued? 15 A. I don't specifically know why. 16 MS. WAGSTAFF: And then this 17 is a document -- a legal document that 18 was filed in St. Clair County. 19 (Document marked for 20 identification as Nadel Exhibit 41.) 21 BY MS. WAGSTAFF: 22 Q. And before I move on, the legal hold 23 issued by Mr. Smith in 2016, did you receive that 24 document?	Page 308 1 A. Okay. 2 Q. "Relatedly, one of the twelve 3 individuals identified in Exhibit 1 of the CMO -- 4 Martin Wilks -- left the company in 2009. We have 5 investigated whether any of Mr. Wilks' electronic 6 documents or data were preserved upon his 7 departure, and have confirmed that no electronic 8 data exists." 9 A. Okay. 10 Q. You see that? 11 A. I do. 12 Q. And when he left, he was under 13 litigation preservation hold, right? 14 A. I don't know. I would have to see 15 the guide point. 16 Q. Well, we just went through the 17 document of -- well, you've testified earlier that 18 Mr. Wilks when he was at Syngenta was instrumental 19 in the paraquat Parkinson's. 20 Are you saying he wasn't under 21 litigation hold? 22 A. I don't know. It was a long time 23 ago. I don't -- I don't have an independent 24 recollection of that.
Page 307 1 A. It's likely that I did, yes. 2 Q. And this -- 3 A. I don't specifically recall 4 receiving it, but it's quite likely that I did. 5 Q. And this was a document that would 6 have been -- you would have received in the normal 7 course of your business? 8 A. Yes. 9 Q. Okay. And then this next document 10 I'd like to go to -- I'm going to go on the Bates 11 numbers at the bottom. 12 A. Okay. 13 Q. If you can go to 78, which is a 14 letter from Syngenta's counsel, Ragan Naresh? 15 A. Yes. 16 Q. So if you look on 78, this is a 17 letter that was filed in this exhibit in a lawsuit 18 that was pending in -- where is it pending? -- 19 St. Clair County, Illinois state court, and it was 20 written on October 5, 2018, right? 21 A. Correct. 22 Q. And Mr. Naresh states, if you go to 23 the right side, the second page on 78. 24 "Relatedly." It's right here.	Page 309 1 Q. Well, assuming that he was under the 2 litigation hold -- 3 A. Uh-huh. 4 Q. -- we went through the timeline that 5 you -- that you issued it in March of '08 and it 6 was lifted in May of '14. 7 Do you remember we just walked 8 through that? 9 A. I did, yes. 10 Q. And he left in '09. So his 11 documents -- is there a reason why his documents 12 were destroyed? 13 MR. NARESH: Objection to the 14 form. 15 THE WITNESS: I don't know 16 that his documents were destroyed. I see 17 that it says here that they were not 18 preserved upon his departure. I have no 19 recollection of that or independent 20 knowledge of it. 21 MS. WAGSTAFF: (Conferring.) 22 BY MS. WAGSTAFF: 23 Q. All right. We're going to turn on 24 the same document to 66.

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Page 310 1 A. I'm sure -- 2 MS. WAGSTAFF: Ending with 3 6 -- well, no, that's not it. 4 Let's go off the record just 5 for one minute. 6 THE VIDEOGRAPHER: Time is 7 2:41 p.m. We are now off the record. 8 (Recess.) 9 THE VIDEOGRAPHER: Back on the 10 record at 2:40 time is 2:41 p.m. We are 11 now on the record. 12 BY MS. WAGSTAFF: 13 Q. All right. If you actually -- this 14 is actually another letter from Mr. Naresh. It 15 starts at the Bates ending in 54 and ends in the 16 Bates ending in 61. 17 Do you see that? 18 A. I do. 19 Q. Okay. And this was written in 20 October 25, 2018? 21 A. That's what it says. 22 Q. Okay. And if you go to the one page 23 60? 24 A. Yes.	Page 312 1 information was not preserved when they left that 2 you know of? 3 MR. NARESH: Object to the 4 form and the foundation. 5 THE WITNESS: It doesn't say 6 that. It says "we are still evaluating 7 that data." 8 BY MS. WAGSTAFF: 9 Q. Have you heard anything about that 10 data being not preserved? 11 A. I haven't heard anything about it 12 whatsoever. 13 Q. (Conferring.) 14 And then it talks about on that, 15 just follow -- underneath that paragraph. Are you 16 still on page 60? 17 A. Yes. 18 Q. It says: 19 "For three other individuals 20 identified in Appendix 1 of plaintiffs' August 24, 21 2018 requests for production but who left the 22 company a number of years ago - Sherry Ford in 23 2011 -- 24 A. Uh-huh.
Page 311 1 Q. It says -- in the second full 2 paragraph, it says: 3 "Please note that a number of the 4 individuals listed above have left the company 5 prior to January 2016, specifically: Dave Berry 6 (2011), Richard Brown" -- who is the Richard Brown 7 that was asking where to put his documents when he 8 left, right? 9 A. Yes. 10 Q. "Lisa Navarro (2012)." She was one 11 of the ones that didn't receive the initial notice 12 for many years that Mr. Sullivan had said. 13 You remember that? 14 A. Yes. 15 Q. And Lewis Smith, who is -- we've 16 talked about Dr. Smith a lot today, haven't we? 17 A. We have. 18 Q. "Based on our investigation to date, 19 some ESI has been preserved from those 20 individuals, but we are still evaluating that 21 data." 22 Do you see that? 23 A. I do. 24 Q. So is there any reason why their	Page 313 1 Q. -- Frank Knight in 2010, and Merrill 2 Tisdell in 2011 - we are still investigating 3 whether any ESI exists for those individuals and 4 will update plaintiffs when we have more 5 information." 6 Do you see that? 7 A. I do. 8 Q. In 2011, 2010, and 2011, there was a 9 legal hold for paraquat related to Parkinson's, 10 right? 11 A. Yes. 12 Q. All right. 13 Are you familiar with what a 14 surfactant is? 15 A. Somewhat. 16 Q. What's your understanding of what a 17 surfactant is? 18 A. It's a -- it's an ingredient that 19 goes into a formulated product. 20 Q. And what does it -- what's your 21 understanding of what it does? 22 A. I -- it could have many different 23 purposes. I don't exactly know. 24 (Document marked for

Page 314 1 identification as Nadel Exhibit 42.) 2 BY MS. WAGSTAFF: 3 Q. All right. If you could look at 4 this e-mail that you are cc'ed on from October 10, 5 2012. 6 Do you see that? 7 A. I do. 8 Q. Let me know when you're ready to 9 proceed. 10 A. (Reviews document.) 11 Q. You ready? 12 A. No. 13 (Reviews document.) 14 Okay. 15 Q. All right. This is an e-mail 16 cascade from 2012, right? Late October -- 17 A. Yes. 18 Q. -- early November 2012? 19 A. Correct. 20 Q. Okay. And if you start at the back, 21 the overall sort of theme of the e-mail 22 communication is to learn information about 23 surfactants; is that right? 24 A. Yes.	Page 316 1 Q. Okay. And do you agree that Phil 2 Botham is knowledgeable in this area? 3 A. I assume he's somewhat 4 knowledgeable. Sure. 5 Q. Okay. And so Dr. Botham -- is it 6 Dr. Botham? 7 A. I believe he's a PhD. 8 Q. Okay. So Dr. Botham respond on 9 October 10th and it's "Confidential and 10 Privileged." 11 Do you see that? 12 A. I do. 13 Q. And he talks about -- it says that: 14 "Product Safety conducted a 15 technical evaluation of all the available evidence 16 on the effect of surfactants on the acute oral 17 toxicity of paraquat formulations a few years 18 ago." 19 Do you see -- see that? 20 I'm on the front page. 21 A. Oh, the front page. Sorry. 22 Q. When Dr. Botham responds. 23 The very first thing he says. 24 A. Yes.
Page 315 1 Q. Okay. And as you go through and 2 kind of follow it up, Charles Pearson -- and 3 you're cc'ed on these e-mails, right? 4 A. Yes, I am. 5 Q. And this was -- this was 6 communication that you received in the normal 7 course of your business? 8 A. Yes. 9 Q. Okay. And if you kind of follow the 10 cascade of information, on October 9, 2012, 11 Charles Pearson suggests: 12 "I would recommend we pull in Phil 13 Botham. He would have the best current view." 14 Do you see that? 15 A. I do. 16 Q. And who is Phil Botham? 17 A. Phil was a Syngenta toxicologist. 18 Q. Okay. And so when you guys had gone 19 back-and-forth it looks like five or six times 20 trying to get this information, someone just said 21 let's just bring in -- let's just bring in 22 Dr. Botham. He knows most, right? 23 A. Well, that's what Charles suggested. 24 Charles Pearson suggested.	Page 317 1 Q. So Dr. Botham responds and you're 2 cc'ed, and he says: 3 "Product Safety conducted a 4 technical evaluation of all the available evidence 5 on the effect of surfactants on the acute oral 6 toxicity of paraquat formulations a few years 7 ago." 8 A. I see that. 9 Q. Do you see that? 10 "And I have relocated the document 11 on this." 12 Do you see that? 13 A. Yes. 14 Q. So this was not a new product with 15 Dr. Botham. He had studied it with the Product 16 Safety Team a few years before? 17 A. Apparently product safety had looked 18 at this previously. 19 Q. Okay. "In essence" he says "the key 20 messages are: 1. Some surfactants can increase 21 the absorption of paraquat across the GI tract of 22 rabbits by up to three orders of magnitude by 23 damaging the mucosa of the tract." 24 Do you see that?

Page 318 1 A. I do. 2 Q. He goes: 3 "However, the study concerned -- the 4 study concerned only used non-ionic surfactants so 5 there is no direct comparison with other types of 6 surfactant." 7 Do you see that? 8 A. I do. 9 Q. And then he talks about a couple 10 other takeaways. Then he says in the next 11 paragraph: 12 "So, overall the conclusion is that 13 the addition of surfactants will normally increase 14 the absorption of paraquat and hence increase its 15 toxicity." 16 Do you see that? 17 A. I do. 18 Q. All right. And that was something 19 that the Product Safety Team had concluded after 20 they did a technical evaluation of all available 21 evidence; is that right? 22 A. That's what it says. 23 Q. Okay. 24 MR. NARESH: Objection.	Page 320 1 Q. Okay. For -- for global? 2 A. No, for North America. 3 Q. Okay. And so she labels this 4 "Attorney Client Privileged and Confidential," 5 right? 6 A. She does. 7 Q. And it says: 8 "Ted Shettler is with the Science 9 and Environmental Health Network in New England 10 and he sent this note and link to a Listserv which 11 apparently includes several activist groups in the 12 United States. Janis." 13 Do you see that? 14 A. I do. 15 Q. And then there's an article and it 16 says: 17 "Today, July 11, 2007 the Court of 18 first Instance of the European committee -- 19 committees decided to annul the directive 20 authorizing use of paraquat as an herbicide." 21 Do you see that? 22 A. I do. 23 Q. And annul just means they've decided 24 to basically pull down the authority that
Page 319 1 Foundation. Go ahead. 2 BY MS. WAGSTAFF: 3 Q. So is paraquat currently sold in the 4 EU? 5 MR. NARESH: Objection to 6 foundation. Form. 7 THE WITNESS: I don't believe 8 it's currently sold in the EU. 9 MS. WAGSTAFF: Okay. This is 10 43. 11 (Document marked for 12 identification as Nadel Exhibit 43.) 13 BY MS. WAGSTAFF: 14 Q. And this is an e-mail that was sent 15 to you from Janis McFarland on July 11, 2007. 16 Do you see that? 17 A. I do. 18 Q. It's a one-page e-mail. 19 Is this something you would receive 20 in the normal course of your business? 21 A. Yes. 22 Q. Okay. And who's Janis McFarland? 23 A. She was the head of regulatory 24 affairs.	Page 321 1 authorizes the use of paraquat as an herbicide; is 2 that right? 3 A. Yes, I believe so. 4 Q. Okay. And Ted goes on to write: 5 "It's interesting to note that one 6 of the reasons for the court's decision was the 7 failure -- failure of the chemical companies 8 producing paraquat to mention any studies linking 9 paraquat to Parkinson's disease." 10 Is that right? 11 A. That's what it says. 12 Q. And so one of the reasons why the EU 13 pulled down the directive allowing paraquat to be 14 used in herbicide in the EU is because companies 15 like Syngenta will not give studies to the EU that 16 link paraquat to Parkinson's? 17 A. Well -- 18 MR. NARESH: Objection to 19 foundation and form. 20 THE WITNESS: -- it doesn't 21 say that, and I would need to read the 22 opinion of the court to actually see what 23 was said. 24 BY MS. WAGSTAFF:

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Page 322 1 Q. Okay. But as far as this e-mail 2 goes, it says that the failure of the chemical 3 companies producing paraquat -- and Syngenta is 4 one of those chemical companies, right? 5 A. Correct. 6 Q. "The failure of the chemical 7 companies producing paraquat to mention any 8 studies linking paraquat to Parkinson's" is one of 9 the reasons for the court's decision; is that 10 right? 11 A. That's what Ted Shettler says, and I 12 don't know who Ted Shettler is, other than how 13 he's described above. I would need to read the 14 decision of the court itself to be able to comment 15 on that. 16 Q. And so did Syngenta take any efforts 17 to try to sell -- to try to renew the application 18 to sell paraquat in the EU? 19 MR. NARESH: Objection. 20 Foundation. 21 THE WITNESS: I don't recall 22 what was done in response to the decision 23 of the court. 24 MS. WAGSTAFF: Okay.	Page 324 1 MR. NARESH: Okay. I'll just 2 clear it up after. 3 MS. WAGSTAFF: Yeah. 4 MR. NARESH: Thanks. 5 BY MS. WAGSTAFF: 6 Q. All right. So this document 7 March 3, 2008. It's about six months after the 8 prior one we looked at. It is Exhibit 44, 9 Syngenta PQ-31434394. 10 A. Okay. 11 Q. It's an e-mail that you received. 12 There's a cascade of e-mails communication, but 13 the final e-mail was from Mr. Sullivan, who is in 14 your legal department at Syngenta, correct? 15 A. Was. 16 Q. Was in your legal department at 17 Syngenta? 18 A. Yes. 19 Q. And the -- Mr. Sullivan is 20 discussing what we just talked about, which is the 21 EU's decision to pull down their registration of 22 paraquat in the EU, right? 23 A. I believe so, yes. 24 Q. Okay.
Page 323 1 (Document marked for 2 identification as Nadel Exhibit 44.) 3 BY MS. WAGSTAFF: 4 Q. Okay. Furthering off of what 5 Mr. Shettler said, this is -- the prior e-mail 6 that you received was in July of '07. We are now 7 in March of '08. So about six months later. 8 Let me know when you've had a chance 9 to review. 10 A. (Reviews document.) 11 Okay. 12 Q. All right. So this is a document 13 about six months after the one we just looked at. 14 It is Exhibit Number 44. It is Syngenta PQ-314 -- 15 MR. NARESH: It's 45, right? 16 MS. WAGSTAFF: 44. 17 THE WITNESS: 44. It says 18 44. 19 MS. WAGSTAFF: 44. 20 MR. NARESH: Which one? The 21 one we're looking at right now? 22 MS. WAGSTAFF: Yeah, it's 44. 23 I'm going to go through all the exhibits 24 in just a minute on the record.	Page 325 1 A. Uh-huh. 2 Q. And what Mr. Sullivan, who's not an 3 activist. He's not -- does not work for a company 4 with Mr. Shettler. 5 What Mr. Sullivan says is: 6 "The CFI decision says that the 7 review body (including the Member State 8 representatives) dealing with the re-registration 9 of paraquat did not have an appropriate 10 opportunity to consider the claimed association 11 between paraquat and Parkinson's disease because 12 the notifier Zeneca failed to make proper 13 reference to the literature in the submission." 14 Do you see that? 15 MR. NARESH: Objection to the 16 form. 17 THE WITNESS: I see that. I 18 also see that he said "We would dispute 19 that finding." 20 BY MS. WAGSTAFF: 21 Q. Sure. I'll get to that in a minute. 22 A. Okay. 23 Q. And Zeneca is a predecessor of 24 Syngenta, right?

Page 326 1 A. Zeneca Agra Products, yes. 2 Q. Yeah. And so he goes on to say: 3 "We would dispute this finding (see 4 paragraph (a) on pages 2 and 3 in the attached 5 analysis of the CFI judgment by our outside 6 counsel, Ashurst." 7 Do you see that? 8 A. I do. 9 Q. Okay. So while you dispute the 10 finding by the CFI on one of the reasons for 11 pulling down the authorization to sell paraquat, 12 at least Mr. Sullivan is stating that that is one 13 of the reasons noted by CFI was that Zeneca, a 14 predecessor of Syngenta, did not make proper 15 reference to the literature in its submission. 16 Do you see that? 17 A. Yes, I see. 18 MR. NARESH: Objection. Form. 19 THE WITNESS: I see it. 20 BY MS. WAGSTAFF: 21 Q. And presumably Zeneca back in 2008, 22 or Syngenta now, could resubmit with the proper 23 literature, right? 24 A. I don't know.	Page 328 1 MS. WAGSTAFF: (Laugh). Look, 2 it's not a very long substantive 3 document. 4 MR. NARESH: Going to take 5 Kevin's deposition next. I'll get nine 6 hours for that. 7 (Document marked for 8 identification as Nadel Exhibit 45.) 9 BY MS. WAGSTAFF: 10 Q. All right. This is document Exhibit 11 Number 45. This is an exhibit or an e-mail that 12 you received on September 9, 2009. 13 Do you see that? 14 A. Yes. 15 Q. Okay. So it's a one-page document, 16 right? 17 A. Yes. 18 Q. And you received this from Jack 19 Mandel from Exponent? 20 A. I think at this point -- I'm not 21 sure if Jack Mandel -- at this point if you look 22 at his e-mail address, I think he was the head of 23 the School of Public Health at the University of 24 Toronto. I don't think he was with Exponent at
Page 327 1 Q. Do you know if there's anything -- 2 as a 36-year member of the legal department of 3 Syngenta, do you know if there's anything 4 preventing Syngenta from applying for an EU 5 registration? 6 A. I'm not a regulatory specialist and 7 certainly not a regulatory specialist regarding 8 the EU. So I wouldn't know. 9 Q. So you don't know of anything? 10 A. I'm not qualified to make that 11 statement yes or no. 12 MS. WAGSTAFF: All right. Can 13 I see your -- I think -- 14 MR. NARESH: No, you're 15 numbering was right. I had skipped one. 16 BY MS. WAGSTAFF: 17 Q. Okay. I just want to go through 18 them anyway if you don't mind. 19 A. All of them? 20 MS. WAGSTAFF: Yeah. I think 21 I'm done with the questions. I just want 22 to do some administrative stuff. 23 Okay. It's a bigger sticky. 24 MR. NARESH: So close.	Page 329 1 this time. 2 Q. Okay. So Jack Mandel, the eventual 3 Exponent investigator, sent you in September of 4 '09 Dr. Weed's -- Douglas Weed's contact 5 information, right? 6 A. It appears that, yes. 7 Q. With the subject line "advice"; is 8 that right? 9 A. Yes. 10 Q. And this was a document you received 11 in the normal course of your business? 12 A. Apparently, yes. Uh-huh. 13 Q. And then you forward that to a 14 handful of people and it's redacted as privileged. 15 Do you see that? 16 A. I see that. 17 Q. And then you forward it to another 18 group of people and you attach a bunch of 19 articles. 20 Do you see? 21 A. I do. 22 MR. NARESH: I don't think 23 he's -- second forward is not from him. 24 THE WITNESS: Oh, that's

Page 330 1 correct. It's not. 2 BY MS. WAGSTAFF: 3 Q. Oh. 4 A. It's from Breckenridge. 5 Q. Okay. So someone forwards -- oh, 6 yeah, it's reverse upside down. 7 So the second forward on 8 September 10, 2009 -- so let me just get a cleaner 9 record of this. 10 In September 9th of 2009, Jack 11 Mandel, who will eventually be at Exponent, an 12 outside investigator, forwards you the contact 13 information for Douglas Weed from DLW Consulting 14 Services LLC. 15 Do you see that? 16 A. I do. 17 Q. And the subject is "advice"? 18 A. I do -- 19 Q. You see that? 20 A. -- see that. 21 Q. And then you forward it later that 22 day about 25 minutes later to a handful of people 23 inside and outside of Syngenta. 24 Do you see that?	Page 332 1 Q. Okay. And this is the same Dr. Weed 2 that publishes the article in 2011 about whether 3 or not Parkinson's causes paraquat disease? 4 A. That could be. That's 2011. This 5 is 2009. 6 Q. Yeah. 7 A. I don't think this has anything to 8 do with paraquat, actually. 9 Q. Okay. Well, let's look at this. 10 A. Okay. 11 MS. WAGSTAFF: So this is -- 12 this -- we'll make this as 46. 13 (Document marked for 14 identification as Nadel Exhibit 46.) 15 MS. WAGSTAFF: Here I got to 16 put -- 17 MR. NARESH: I think you said 18 this was from 2011. 19 MS. WAGSTAFF: Yeah, it is. 20 MR. NARESH: You want to fix 21 that with that? 22 MS. WAGSTAFF: Oh, 2/21. 23 Sorry. 24 BY MS. WAGSTAFF:
Page 331 1 A. Yes. 2 Q. And doesn't look like you say very 3 much based on the space of the redaction in the 4 privilege, but it's redacted so I don't know what 5 you said. 6 Do you see that? 7 A. I see it. 8 Q. And then it looks like later that 9 day, a couple hours later, about two hours later, 10 Dr. Breckenridge responds. 11 And it looks like he writes a little 12 bit more just based on the size of the redaction 13 and the privilege, and he attaches a handful of 14 studies to include Weed's 2003 and Weed's 2005 15 articles. 16 Do you see that? 17 A. I do. 18 Q. And he changes the subject from 19 "advice" to "Attorney Client Privileged 20 Communication: Potential Witness"? 21 A. Yes. 22 Q. Do you see that? 23 A. I see that's the subject line of his 24 e-mail.	Page 333 1 Q. So Douglas L. Weed do you see? 2 A. Yes. 3 Q. And he issues an article "Does 4 paraquat cause Parkinson's disease? A review of 5 reviews." 6 A. In 2021? Yes. 7 Q. Yeah. And you see that he is from 8 DLW Consulting Services? 9 A. Yes. 10 Q. So regardless of whether or not what 11 you are communicating with him privately and 12 confidentially in 2009, the company has been 13 conferring with this Dr. Weed for 13 years? 14 A. I don't know that we ever conferred 15 with him. All I see is an e-mail which supplied 16 his contact information, and then it looks like 17 there were a number of documents or articles 18 attached to a subsequent e-mail. 19 Q. A heavily redacted article -- I 20 mean, a heavily redacted e-mail that identifies 21 him as a potential witness. 22 A. In -- 23 Q. You see that? 24 A. Probably in atrazine litigation.

Page 334 1 Q. Identifies him as a potential 2 witness? 3 A. Could be, yes. It says "witness." 4 Q. Okay. So whether it was atrazine or 5 paraquat, Syngenta has been having a relationship 6 with Dr. Weed since 2009? 7 MR. NARESH: Objection. 8 Objection to form. 9 THE WITNESS: I don't know 10 that to be the case. I don't know 11 anything more than I see in this e-mail. 12 BY MS. WAGSTAFF: 13 Q. Okay. Well, unfortunately, we don't 14 either because it's redacted and privileged. So. 15 A. Well, that certainly doesn't say 16 anything about what happened between these two 17 dates. 18 Q. And I wasn't suggesting it did. 19 I was suggesting a relationship -- 20 A. Well, you did say that. 21 Q. -- has been going on since 2009. 22 A. Well, there's no evidence of that. 23 Q. Okay. Well, if you're -- if you're 24 willing to produce that document, maybe the jury	Page 336 1 of your business? 2 A. Off the top of my head, I don't 3 believe I did. 4 Q. Okay. Did you see any documents 5 today where you question the authenticity or the 6 reliability of the document? 7 A. When you say -- what do you mean by 8 "reliability"? Authenticity, no. 9 Q. Okay. Well, I'm going to give you 10 the stack back because you said off the top of 11 your head. So I'd like to just do this -- 12 A. Sure. 13 Q. -- in one fell swoop so we don't 14 have to go document by document. 15 So if you see any that were not -- 16 any e-mails that were not sent to you in the 17 regular course of business or you believe are not 18 authentic, let me know. 19 MS. WAGSTAFF: And I'll let 20 the record reflect that he's looking 21 through the stack of 46 exhibits. 22 THE WITNESS: (Reviews 23 documents.) 24 Okay. Your question was? I'm
Page 335 1 would know. 2 A. How could that document in 2009 be 3 evidence of a relationship between 2009 and 2021? 4 Q. Very easily. 5 A. Okay. 6 Q. We wouldn't know. 7 A. Okay. 8 Q. It's redacted. 9 MR. NARESH: (Laugh). 10 MS. WAGSTAFF: I mean, you can 11 laugh all you want, Mr. Naresh. 12 MR. NARESH: No, that's all 13 right. It's just -- it's funny. 14 MS. WAGSTAFF: Yeah, you can 15 laugh. Let the record reflect you're 16 laughing during the deposition. 17 MR. NARESH: Yeah. 18 BY MS. WAGSTAFF: 19 Q. All right. So we're just going to 20 go through these just so I can lay a foundation to 21 make sure that proper foundation was laid on 22 these. I think we did towards the end. 23 But did you see any of the e-mails 24 today that were not received in the regular course	Page 337 1 sorry. 2 BY MS. WAGSTAFF: 3 Q. Were the e-mails that you have 4 reviewed today sent to you in the regular course 5 of your business? 6 A. The e-mails that I was copied on 7 would have been sent to me in the regular course 8 of business, yes. 9 Q. And the e-mails that you were not 10 copied on, were those Syngenta e-mails? 11 A. They -- 12 MR. NARESH: Objection to 13 foundation. 14 THE WITNESS: They appear to 15 be. I mean, there are some documents 16 here that are not e-mails. 17 BY MS. WAGSTAFF: 18 Q. I'm talking about the e-mails. 19 A. Okay. Yes. 20 Q. Do they appear to be? 21 A. They appear to be. 22 Q. Okay. And there was nothing that 23 made them look like they were not authentic 24 documents?

Page 338 1 A. Correct. 2 MS. WAGSTAFF: Okay. I pass 3 the witness. 4 Do you want these? 5 MR. NARESH: Yes, please. 6 Let's take -- 7 MS. WAGSTAFF: Five minutes? 8 MR. NARESH: Yeah, if that. 9 MS. WAGSTAFF: Okay. Do you 10 want to come back at 15 after or? 11 MR. NARESH: I don't need that 12 much time. 13 MS. WAGSTAFF: Okay. 14 MR. NARESH: I just need to 15 grab something. 16 MS. WAGSTAFF: Okay. 17 THE VIDEOGRAPHER: The time is 18 3:08 p.m. We are off the record. 19 (Recess.) 20 THE VIDEOGRAPHER: Time is 21 3:13 p.m. We are now on the record. 22 EXAMINATION 23 BY MR. NARESH: 24 Q. Mr. Nadel, a few background	Page 340 1 that were filed. The Shenkel case for one. 2 MS. WAGSTAFF: Object to form. 3 THE WITNESS: Essentially 4 that was the reason. 5 BY MR. NARESH: 6 Q. Okay. And at one point, did your 7 role with respect to paraquat diminish? 8 A. It did. 9 Q. And what -- around when was that? 10 A. That would have been probably around 11 2015-16 maybe. 12 Q. And do you remember why? 13 A. Yes. The management of the 14 litigation was transitioned to Mark Smith. 15 Q. Okay. In the time period that you 16 were involved on issues related to paraquat, 17 from -- from your knowledge, what was the role of 18 lawyers in dealing with issues related to 19 paraquat? 20 A. Lawyers essentially -- 21 MS. WAGSTAFF: Object to form. 22 THE WITNESS: Lawyers 23 essentially were involved in 24 litigation-related issues. They
Page 339 1 questions. 2 How long have you worked for 3 Syngenta total? 4 A. Approximately 36 years. 5 Q. And what are your responsibilities 6 at Syngenta today? 7 A. Today as the global head of 8 litigation, essentially the responsibilities 9 involve the United States, North America, managing 10 a team that manages litigation in the U.S. and, to 11 some degree, Canada, and then oversight 12 responsibility for litigation elsewhere in the 13 world. 14 Q. At some point, you got involved on 15 issues related to paraquat, right? 16 A. Correct. 17 Q. Do you remember when that was? 18 A. Would have been in the early 2000s. 19 Q. Do you remember why you got 20 involved? 21 A. There were a number of attorneys who 22 were trolling for clients who they -- who allege 23 that they were exposed to paraquat and developed 24 Parkinson's disease. There were some lawsuits	Page 341 1 participated in meetings, gave legal 2 advice. 3 BY MR. NARESH: 4 Q. And what was your role specifically? 5 A. During the time I was involved? 6 Q. Yes. 7 A. I was -- essentially that's what I 8 did. Gave legal advice, sat through meetings, 9 participated in meetings. 10 Q. And now I want to follow up on a 11 couple of the issues that plaintiffs' counsel 12 addressed with you on -- on your examination. 13 And let me start with Mexico. 14 You were shown some documents about 15 an incident and some proceedings in Mexico. 16 Do you remember that? 17 A. Yes, I do. 18 Q. You mentioned on your examination 19 with Ms. Wagstaff that your involvement on the 20 Mexico issue was tangential, correct? 21 A. Correct. 22 Q. What was your role? 23 A. I was asked to assist Mexican 24 counsel and I had a conversation or two with

Page 342 1 Rodolfo Ibarra, who was the Mexican -- counsel at 2 Syngenta Mexico who was handling the matter. And 3 then he was looking for some expert help in -- in 4 the matter, and I reached out to Dr. DiMonte and 5 asked him if he could recommend someone who might 6 be helpful. 7 Q. And you -- 8 A. I provided that information to 9 Mr. Ibarra, and essentially that's where my 10 participation ended. 11 Q. And beyond the role you just 12 described, did you have anything to do with the 13 Mexico issue? 14 A. No. 15 Q. You were shown some documents in 16 which employees at Syngenta were being advised 17 about the attorney-client privilege. 18 Do you remember that testimony? 19 A. I do. 20 Q. Why were you and others at Syngenta 21 providing advice to employees about the 22 attorney-client privilege? 23 A. Obviously, an important privilege in 24 the law and we believe is one that attorney --	Page 344 1 it says: 2 "While this analysis continues, it 3 is critical that any written communications, 4 including email, regarding this issue be kept to a 5 minimum. Written communications should be factual 6 in nature. Speculation and opinion should be 7 avoided." 8 A. Yes. 9 Q. Do you see that? 10 A. I do. 11 Q. Now, was this consistent -- in terms 12 of keeping written communications to be factual in 13 nature and avoiding speculation and opinion, was 14 that consistent with the advice that you were also 15 giving? 16 A. Yes. 17 Q. And why were you doing that? 18 A. You know, in our experience, e-mail 19 is a very casual means of communication. 20 Oftentimes employees say things in there which 21 really are sloppily worded, or incorrect or false, 22 or speculation, or guesses and later can be taken 23 out of context. 24 Q. Were you asking people to avoid
Page 343 1 that employees need to be aware of so they know 2 exactly when their conversations with counsel will 3 be privileged and confidential and when they won't 4 be. 5 Q. Now, if you look in your stack of 6 documents and, hopefully, they're organized by 7 number still. If you look at Number 4, please. 8 A. A little bit out of order, but let 9 me just see if I can find it. 10 Q. It's the letter from June of 2007 11 from Mr. Sullivan. 12 And you can look at my copy. 13 A. Okay. 14 MR. NARESH: Do you have any 15 problem with him looking at my copy? 16 THE WITNESS: Okay. 17 BY MR. NARESH: 18 Q. Do you have Exhibit 4 in front of 19 you? 20 A. I do. 21 Q. And this was a letter from 22 Mr. Sullivan copying you, right? 23 A. Yes. 24 Q. And you can see -- do you see where	Page 345 1 telling the truth -- 2 A. No. 3 Q. -- in the documents? 4 A. Never. 5 Q. Were you asking people to not be 6 accurate -- 7 A. No. 8 Q. -- in the record? 9 A. In fact, we wanted them to be 10 accurate. 11 Q. You can put that one to the side. 12 Look at Exhibit 5 if you can. It 13 should look like that. (Indicates.) 14 A. Yeah. 15 Q. I think that's it. 16 Give this back to me. 17 Just a couple quick follow-up 18 questions on this one. 19 This was a presentation that had 20 your name on it, and I only wanted to ask you 21 about one slide. 22 If you look at slide 14. 23 A. Slide 14. 24 Q. Again using the native slide

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Page 346 1 numbering. 2 A. Yes. 3 Q. Yes. And this was one that had 4 "Syngenta document classifications." 5 Do you see that? 6 A. Yes, I did do. 7 Q. And you were asked some questions 8 about the "Secret" classification at the bottom? 9 A. Yes. 10 Q. And it looks like there are criteria 11 and some examples, right? 12 A. Yes. 13 Q. And what are the examples of the 14 kinds of documents that should be classified as 15 "Secret"? 16 A. Merger and acquisition data, 17 consolidated financial data. 18 Q. And why would you need such 19 information to be kept secret? 20 A. Well, for example, if individuals -- 21 we did not want individuals disclosing -- at the 22 time, we were publicly traded company, and we did 23 not want individuals disclosing company results, 24 for example, before they were published. That	Page 348 1 A. Yes. 2 Q. And do you have the "Conclusion" 3 section in front of you? 4 A. I do. 5 Q. I believe the questioning was about 6 whether or not the "Conclusion" section included 7 any epidemiology studies, other than the Widnes 8 study and the Brent study, and whether or not the 9 "Conclusion" section included any discussion of 10 the Ag Health Study -- 11 A. Correct. 12 Q. -- or the Tanner study. 13 Do you remember that? 14 A. I do. 15 MS. WAGSTAFF: Object to form. 16 BY MR. NARESH: 17 Q. Now, what was -- what is the section 18 directly before the "Conclusion" section? 19 A. It's referred to as "Epidemiology 20 studies." 21 Q. And that "Epidemiology" section, 22 does that discuss the Agricultural Health Study? 23 A. It does. 24 Q. Does it discuss down towards the
Page 347 1 could be very damaging and, you know, if you're 2 working on a merger and acquisition, you don't 3 want that becoming public until the time that it's 4 completed. 5 Q. Does the "Secret" designation have 6 anything to do with the attorney-client privilege? 7 A. No. 8 Q. Okay. You can put that one to the 9 side. 10 And if you could try to find 11 Exhibit 26 which was the printout of paraquat.com. 12 Should look like this. (Indicates). 13 And if you need my copy, you're free 14 to have it. 15 A. Just give me a minute. Yeah, why 16 don't I take your copy just to save time. 17 Q. Sure. 18 And, Mr. Nadel, do you have in front 19 of you the printout of paraquat.com that 20 plaintiffs' counsel asked you about? 21 A. I do. 22 Q. Okay. And this is Exhibit 26, and 23 Ms. Wagstaff asked you about the "Conclusion" 24 section, right?	Page 349 1 bottom there the Tanner study specifically? 2 A. Yes. 3 Q. Would it be a fair or accurate 4 characterization to say that the Ag Health Study 5 and the Tanner study were not disclosed on 6 paraquat.com 7 A. I don't think that would be a fair 8 and accurate -- 9 Q. Okay. 10 A. -- statement. 11 Q. That's all I have on that. 12 I did want to ask you a little bit 13 about the Widnes study. 14 We call it the Widnes study I 15 believe mainly because it studies people who were 16 working at the Widnes plant. 17 Do you believe that? 18 A. I believe that's correct, yes. 19 Q. And you testified a few times in 20 response to Ms. Wagstaff's questioning that there 21 was some limitations to the study? 22 A. Yes. 23 Q. And there was some suggestion in 24 Ms. Wagstaff's questioning that Syngenta was

Page 350 1 trying to keep those limitations from the public. 2 Do you remember that? 3 A. Right. 4 MS. WAGSTAFF: Object to form. 5 BY MR. NARESH: 6 Q. Were the limitations of the Widnes 7 study publicly disclosed? 8 A. My recollection is that they were -- 9 the limitations were set forth in the publication 10 of the study itself. 11 Q. I'm handing you a document that was 12 previously marked as Campbell Exhibit 4. I'm not 13 going to re-mark it because it already has an 14 exhibit sticker. 15 A. Yes. 16 Q. And does this look like a copy of 17 what we've been referring to as the Widnes study? 18 A. Yes, I believe so. 19 Q. And if you look down on the -- and 20 would this document be publicly available? 21 A. It should be, yes. 22 Q. And down at the right side on the 23 bottom, there's a section called "Strengths and 24 limitations of this study."	Page 352 1 it discuss yet another limitation of the study? 2 A. Yes, that's the paragraph which 3 starts "Another limitation of the study is." 4 Q. Would it be a fair or accurate 5 characterization to suggest that Syngenta was 6 trying to keep these limitations from the public 7 view? 8 A. I don't believe so. 9 Q. Okay. You can put that one down. 10 Can you try to find Exhibit 36, 11 which is an e-mail from it says Janine Zumbiehl at 12 the top, and it's from Jonathan Sullivan on 13 July 22, 2008. 14 A. Got it. 15 Q. And just a couple of questions on 16 this one. 17 Now, in this one, plaintiffs' 18 counsel asked you about some -- some language on 19 the third page of the document, which is the 20 second page of the attachment, about a "New 21 lawsuit being filed alleging cause" and there's 22 the letter "H" next to that? 23 A. Yes. 24 Q. Now go back one page before we get
Page 351 1 Do you see that? 2 A. I do. 3 Q. And does the study identify on the 4 very first page in the summary some of the 5 limitations of the study? 6 A. Yes. 7 Q. And then if you look on the -- if 8 you keep flipping through and if you look at the 9 Bates stamp version, down at the bottom it says 10 ending 905. 11 A. Okay. 12 Q. There's a section beginning -- a 13 section called "Discussion," right? 14 A. I see that. 15 Q. And then it goes on and the 16 "Discussion" is several pages long. And if you 17 look at page 907? 18 A. Yes. 19 Q. The first full paragraph, does that 20 discuss one of the perceived limitations of the 21 study? 22 A. It does. 23 Q. And then if you look down, not the 24 next paragraph, but the paragraph after that, does	Page 353 1 to the table, and there's a section that says 2 "Objective," right? 3 A. Yes. 4 Q. And then the paragraph, the second 5 paragraph where it says "The list below." 6 Do you see that? 7 A. Yes. 8 Q. And the second sentence of that 9 paragraph says: 10 "The probability rating was assigned 11 as a second step and reflects what the perceived 12 probability of the issue linking PQ to PD not just 13 what is the likelihood of the issue happening." 14 Do you see that? 15 A. I do. 16 Q. Now, to the extent this document 17 were to be used to try to suggest that the "H" 18 next to "New lawsuit filed alleging cause" is 19 intended to show that there was a high probability 20 that new lawsuit would be filed, would that be a 21 fair characterization of the document? 22 A. I don't believe so. 23 Q. What do you understand the -- 24 MS. WAGSTAFF: Object to form.

Page 354 1 BY MR. NARESH: 2 Q. -- "H" to reflect? 3 A. So what it says here is: 4 "The probability rating was assigned 5 as a second step and reflects what is the 6 perceived probability of the issue linking 7 paraquat to Parkinson's disease." 8 MS. WAGSTAFF: Object to form. 9 The rest of the sentence. 10 THE WITNESS: Not what the 11 likelihood is. 12 BY MR. NARESH: 13 Q. Okay. You can put that on the side. 14 Mr. Nadel, the plaintiffs' lawyers 15 in this case have suggested that the lawyers were 16 shaping the scientific analysis that the company 17 was performing. 18 What do you make of that claim? 19 A. I think that's not accurate at all. 20 The lawyers were -- this is a very 21 technical scientific area which is -- requires 22 years of study to grasp, and the lawyers were 23 completely ill-equipped to design studies that 24 were highly technical in nature.	Page 356 1 Q. What role, if any, did lawyers have 2 with respect to designing scientific studies that 3 Syngenta conducted related to paraquat? 4 A. Absolutely none. 5 Q. What role, if any, did lawyers have 6 with respect to interpreting the results of 7 scientific studies that Syngenta conducted related 8 to paraquat? 9 A. The lawyers could not interpret 10 those results without the assistance of 11 scientists. 12 Q. Let me ask you a couple questions 13 about Exhibit 28, which was this governance 14 document. 15 Do you remember that? 16 A. Uh-huh. 17 Q. And you were asked some questions in 18 which there's some language suggesting that the 19 legal department would approve the conduct and 20 design of studies. 21 Do you remember that? 22 A. I do. 23 Q. In reality -- in reality, was the 24 legal department tasked with approving the conduct
Page 355 1 Q. Aside from, you know, patent lawyers 2 or IP lawyers -- 3 A. Yes. 4 Q. -- who have no involvement in the 5 paraquat issues, does the Syngenta legal 6 department typically have lawyers who are also 7 scientists on staff? 8 A. No. 9 Q. Do you personally have any 10 scientific background? 11 A. I have absolutely no scientific 12 background. 13 Q. Would you have at all the technical 14 experience to design a scientific study? 15 A. Absolutely not. 16 Q. Would you have the technical 17 experience to interpret a scientific study? 18 A. I could not interpret a scientific 19 study without assistance from scientists. 20 Q. Okay. So what role, if any, did 21 lawyers have with respect to identifying what 22 kinds of studies Syngenta should conduct related 23 to paraquat? 24 A. None.	Page 357 1 and design of studies? 2 A. No, and I don't believe that 3 governance structure was ever referred to again. 4 Q. So what happened in real life? 5 A. In real life, the scientists 6 designed the studies. The scientists and -- and 7 the scientific leadership approved the studies 8 going forward. 9 Q. Could you please try to find 10 Exhibit 34, which was -- again, it's got the 11 Janine Zumbiehl line at the top and it's an e-mail 12 thread. 13 A. Yes, got it. 14 Q. Okay. Now, you were -- you were 15 shown this document. 16 The last document in the thread is 17 at the very top. 18 A. Oh, yeah. 19 Q. Last in time is from Jonathan 20 Sullivan on -- on July 16, 2008 at 17:50 to Angela 21 and Roland, right? 22 A. Yes. 23 Q. And who were Angela and Roland? Do 24 you know?

Page 358 1 A. I believe Angela Brady at this time 2 was the global head of regulatory affairs. Roland 3 Dieterle was possibly the regulatory manager for 4 paraquat, if I recall. 5 Q. Okay. Lawyers? 6 A. No. 7 Q. In this -- in this one, the subject 8 line is about "Comments on PQ team meeting 9 minutes" from July 15, 2008, right? 10 A. Yes. 11 MR. NARESH: And I would like 12 to show you a different thread on the 13 same subject matter from virtually the 14 same days and ask you a couple questions 15 about it. 16 I'll mark this one as 17 Exhibit 47. 18 (Document marked for 19 identification as Nadel Exhibit 47.) 20 THE WITNESS: (Reviews 21 document.) 22 BY MR. NARESH: 23 Q. And does this look like it's an 24 e-mail thread from the same time period on the	Page 360 1 A. So he passes this on to -- let's 2 see -- Angela Brady and copies John Doe, who's 3 another toxicologist in Syngenta. He may have 4 been the head of product safety at that point, and 5 he pass -- and John gets back to Jonathan on it. 6 Q. And in Mr. Sullivan's e-mail to 7 Ms. -- is it Dr. Brady or Ms. Brady? 8 A. I think it was Ms. Brady. 9 Q. Ms. Brady. 10 In Mr. Sullivan's e-mail to 11 Ms. Brady, in the second paragraph he says: 12 "Assuming that the suggested 13 amendment to the draft Risk Assessment (and 14 consequential change in the minutes of the meeting 15 held to consider the Risk Assessment) is 16 acceptable from your perspective, I should be 17 grateful if you would make the final changes to 18 the respective drafts following which they can be 19 circulated, marked 'Confidential' only. Regards, 20 Jonathan." 21 Right? 22 A. I see that. 23 Q. And then there's a response from 24 John Doe?
Page 359 1 same issue involving many of the same people as 2 Exhibit 34? 3 A. Yeah. 4 MS. WAGSTAFF: Object to form. 5 THE WITNESS: Yes. 6 BY MR. NARESH: 7 Q. And I wanted to ask you about how 8 this really works. And so if we look at the 9 second page, there's an e-mail from Mr. Wolff, 10 outside counsel, to you and -- well, to Jonathan 11 Sullivan copying you? 12 A. Yes. 13 Q. And he identifies a question about 14 the language saying: 15 "The one consistent finding from 16 the body of animal studies is the loss of 17 dopaminergic neurones in the substantia nigra pars 18 compacta." 19 Do you see that? 20 A. I do. 21 MS. WAGSTAFF: Object to form. 22 BY MR. NARESH: 23 Q. And what does Mr. Sullivan do with 24 Mr. Wolff's comments?	Page 361 1 A. Correct. 2 Q. And John Doe is his actual name, 3 right? 4 A. It is. 5 Q. Okay. And who is John Doe? 6 A. I believe he -- he was a 7 toxicologist. I believe he may have been at that 8 time the global head of product safety. 9 Q. And what does Mr. Doe say to 10 Mr. Sullivan? 11 A. He says that really that statement 12 that Jeff was commenting on was really just 13 technical shorthand and essentially just needed to 14 be clarified. 15 Q. And so what happened? 16 A. And I believe that's what was done. 17 Q. So what does this tell us about the 18 role of the lawyers in terms of whether they were 19 actually shaping the science evaluating the 20 paraquat Parkinson's hypothesis? 21 A. Well, I think, I mean, Jeff Wolff 22 was not a scientist. He obviously was 23 misunderstanding because he wasn't attuned to the 24 technical shorthand, and so it was clarified by

Page 362 1 the scientists and then they moved forward with 2 it. 3 Q. Now, if you could try to find 4 Exhibits 19 and 20. 5 And you can -- you can have mine. 6 Here, just take mine. 7 A. Okay. 8 Q. And these are not marked up or 9 anything. 10 A. Okay. 11 Q. So Exhibit 19 is an e-mail with an 12 attachment from -- from you, right? 13 A. Yes. 14 Q. And you were asked some questions 15 about this earlier, and this was forwarding a 16 rather lengthy document from Dr. Smith, right? 17 A. Correct. 18 MS. WAGSTAFF: Object to form. 19 BY MR. NARESH: 20 Q. Now, Exhibit 20 is an e-mail also 21 from you with a prior -- referring to a prior 22 draft? 23 A. Yes. 24 Q. And what does it say -- does	Page 364 1 (Recess.) 2 THE VIDEOGRAPHER: Time is 3 3:35 p.m. We are now on the record. 4 Sorry. 5 FURTHER EXAMINATION 6 MS. WAGSTAFF: I'm going to 7 mark as Exhibit 48 the Brent study that 8 we have discussed at length today. 9 (Document marked for 10 identification as Nadel Exhibit 48.) 11 MR. NARESH: 48? 12 MS. WAGSTAFF: Yeah. 13 MR. NARESH: Uh-huh. 14 BY MS. WAGSTAFF: 15 Q. And you see on Exhibit 29 we talked 16 a lot about how you or one of your colleagues 17 deleted that Brent would be the most -- is likely 18 to be the most difficult study to defend 19 scientifically? 20 A. I see that. 21 Q. You see that? 22 A. I see that, yes. 23 Q. Can you show me where in the article 24 it says that?
Page 363 1 Exhibit 20 reflect that you made any edits to the 2 more scientific document? 3 A. It says I corrected a few typos. 4 Q. When you -- there was some 5 back-and-forth about typos earlier. 6 What is a typo when you use that 7 term? 8 A. Misspellings, missing -- missing 9 letter, some things along those lines. 10 Q. And to the extent -- 11 MS. WAGSTAFF: Form. 12 BY MR. NARESH: 13 Q. -- you were editing internal 14 scientific documents like this, is that consistent 15 with the kinds of edits you were making? 16 A. Yes. 17 MR. NARESH: I have no further 18 questions for Mr. Nadel. Thank you. 19 Do you need this? 20 MS. WAGSTAFF: No. 21 Can we go off record for just 22 one minute? 23 THE VIDEOGRAPHER: Time is 24 3:34. We are going off the record.	Page 365 1 A. It says what? 2 Q. That it's one of the most -- it's 3 one of the most difficult studies to defend as it 4 will have many confounding factors? 5 A. I don't know if that's in the 6 article. I'd have to read the entire thing to see 7 that. 8 Q. Counsel walked you through the 9 Widnes article and showed you that there were 10 limitations cited without actually going through 11 what those limitations were, right? 12 A. Yes. 13 Q. And he didn't bring up the Brent 14 article and the deletions you made about the Brent 15 article. 16 So I just wanted to know if that 17 language that was deleted from the minutes made 18 its way into the article. 19 A. Again, I would have to read it in 20 full. I don't know if it's in here. I don't see 21 it. 22 But this was -- this was an 23 independent article written by Brent. I never 24 commented on his article.

Page 366 1 Q. Okay. You can put that aside. 2 And does -- is it Syngenta's 3 position that instead of reading paraquat.com that 4 the nonscientist consumers should actually read 5 the literature? 6 A. I don't think we gave an opinion on 7 that whatsoever, but we referenced the literature. 8 Q. But is it the expectation that 9 nonscientist consumers will go and find this 10 literature and read them? 11 A. I don't know if we ever actually 12 discussed that. 13 MS. WAGSTAFF: I have no 14 further questions. 15 MR. NARESH: I just have a 16 couple follow-ups on that. 17 FURTHER EXAMINATION 18 BY MR. NARESH: 19 Q. Do you have the Brent study in front 20 of you? 21 A. I do. 22 Q. Very few questions. 23 If you look at page -- it's on the 24 native numbering. It's --	Page 368 1 MR. NARESH: It does. 2 MS. WAGSTAFF: It does. 3 MR. NARESH: Just for the 4 record, so we'll read and sign, but we 5 said at the outset there's a stipulation. 6 Do you want to mark this 7 stipulation as an exhibit or you just 8 want to have it between the parties? I 9 don't really care. 10 MR. TRAVERS: I don't think we 11 need to but... 12 MS. WAGSTAFF: Yeah. 13 MR. NARESH: Under the terms 14 of the stipulation, the parties 15 essentially reserve all rights with 16 respect to privilege, etc., but until 17 there's a determination as to privilege, 18 that it shall not be used. 19 I, obviously, made a standing 20 objection at the outset that allowed 21 you -- an outstanding agreement at the 22 outset that I wouldn't instruct not to 23 answer on privilege issues and allowed 24 the questioning.
Page 367 1 A. Yes. 2 Q. -- 1335. 3 A. Okay. 4 Q. In the third full paragraph on the 5 right side. 6 A. On the right side. Yes. 7 Q. It says "This study has several 8 limitations," right? 9 A. It does say it. 10 Q. And then it goes on to discuss those 11 limitations in the following paragraphs, right? 12 A. Yes. 13 Q. Would it be fair or accurate to 14 characterize the Brent study itself as not 15 identifying the limitations that the Brent study 16 has? 17 A. I don't think that would be 18 accurate. 19 MR. NARESH: Okay. I have no 20 further questions. 21 MS. WAGSTAFF: No more 22 questions. 23 THE VIDEOGRAPHER: Counsel, 24 does this conclude today's deposition?	Page 369 1 Obviously, there are a number 2 of areas that I think would be subject to 3 attorney-client privilege for which I 4 allowed the questioning, and so to the 5 extent there were -- there's any intent 6 to use the deposition in any proceeding, 7 I would ask that we have some sort of 8 meet-and-confer to address whether or not 9 it impacts any claim of privilege so that 10 we don't accidentally run afoul of the 11 stipulation or can see eye-to-eye on the 12 stipulation. 13 Can we agree to that? 14 MS. WAGSTAFF: Yeah, we can 15 agree. No problem. 16 MR. NARESH: Okay. And with 17 that, nothing further. 18 THE VIDEOGRAPHER: This 19 concludes today's deposition. The date 20 is May 3, 2024. The time is 3:40 p.m. 21 We are now going off the record. 22 (Signature not waived, the 23 deposition concluded at 3:40 p.m.) 24 * * *

Page 370 ERRATA SHEET 1 2 3 Page No. _____ Line No. _____ Change to: _____ 4 _____ 5 Page No. _____ Line No. _____ Change to: _____ 6 _____ 7 Page No. _____ Line No. _____ Change to: _____ 8 _____ 9 Page No. _____ Line No. _____ Change to: _____ 10 _____ 11 Page No. _____ Line No. _____ Change to: _____ 12 _____ 13 Page No. _____ Line No. _____ Change to: _____ 14 _____ 15 Page No. _____ Line No. _____ Change to: _____ 16 _____ 17 Page No. _____ Line No. _____ Change to: _____ 18 _____ 19 Page No. _____ Line No. _____ Change to: _____ 20 _____ 21 Page No. _____ Line No. _____ Change to: _____ 22 _____ 23 Page No. _____ Line No. _____ Change to: _____ 24 _____	Page 372 CERTIFICATE OF REPORTER 1 2 DISTRICT OF COLUMBIA) 3 I, Denise Dobner Vickery, a 4 Registered Court Reporter and Notary Public of 5 the District of Columbia, do hereby certify that 6 the witness was first duly sworn by me. 7 I do further certify that the 8 foregoing is a verbatim transcript of the 9 testimony as taken stenographically by me at the 10 time, place and on the date herein set forth, to 11 the best of my ability. 12 I do further certify that I am 13 neither a relative nor employee nor counsel of 14 any of the parties to this action, and that I am 15 neither a relative nor employee of such counsel, 16 and that I am not financially interested in the 17 outcome of this action. 18 19 20  21 DENISE DOBNER VICKERY, CRR,RMR 22 Notary Public in and for the 23 District of Columbia 24 My Commission expires: March 14, 2028
Page 371 DECLARATION UNDER PENALTY OF PERJURY 1 2 3 4 I declare under penalty of 5 perjury that I have read the entire transcript of 6 my Deposition taken in the captioned matter 7 or the same has been read to me, and 8 the same is true and accurate, save and 9 except for changes and/or corrections, if 10 any, as indicated by me on the DEPOSITION 11 ERRATA SHEET hereof, with the understanding 12 that I offer these changes as if still under 13 oath. 14 15 Signed on the _____ day of 16 _____, 2024. 17 _____ 18 _____ 19 ALAN NADEL 20 21 22 23 24	