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IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

DIANA HOFFMANN,	)	
individually and as	)	
Independent Administrator	)	
of the Estate of THOMAS R.	)	No. 17-L-517
HOFFMANN, Deceased, et al.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
SYNGENTA CROP PROTECTION,	)	
LLC, et al.,	)	
	)	
Defendants.	)	

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REMOTE VIDEOCONFERENCE CORPORATE DEPOSITION OF
CHEVRON U.S.A. BY AND THROUGH ITS REPRESENTATIVE

TIMOTHY PATTERSON

TUESDAY, JUNE 23, 2020

VOLUME III (361-569)

REPORTED BY:

DEBRA A. DIBBLE, RDR, CRR, Notary Public

JOB NO. 27683

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Page 362 1 REMOTE VIDEOCONFERENCE DEPOSITION OF 2 TIMOTHY PATTERSON, produced as a witness at the 3 instance of the Plaintiffs and duly sworn, was 4 taken in the above-styled and numbered cause on 5 the above-referenced date, from 9:03 a.m. to 6 4:39 p.m. PDT, before Debra A. Dibble, RDR, CRR, 7 Notary Public, reported by realtime stenographic 8 means at the location of the witness, pursuant to 9 the Illinois Supreme Court Rules 206 and 10 204(a)(3). 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 364 1 STEPTOE & JOHNSON LLP BY: JASON LEVIN, ESQUIRE 2 jlevin@steptoe.com 633 West Fifth Street 3 Suite 1900 Los Angeles, California 90071 4 (213) 439-9455 Counsel for CHEVRON U.S.A., INC. 5 6 STEPTOE & JOHNSON LLP BY: ANTHONY G. HOPP, ESQUIRE 7 ahopp@steptoe.com 227 West Monroe Street 8 Suite 4700 Chicago, Illinois 60606 9 (312) 577-1249 Counsel for GROWMARK, INC. 10 11 ALSO PRESENT: 12 HOLLY HARRIS Syngenta In-House Counsel 13 14 15 VIDEOGRAPHER: 16 JOSE REYES, TransPerfect Legal Solutions 17 18 19 20 21 22 23 24 25
Page 363 1 REMOTE APPEARANCES: 2 KOREIN TILLERY, LLC BY: STEPHEN M. TILLERY, ESQUIRE 3 stillery@koreintillery.com JOHN A. LIBRA, ESQUIRE 4 jlibra@koreintillery.com 505 N. 7th Street 5 Suite 3600 St. Louis, Missouri 63101 6 (314) 241-4844 Counsel for PLAINTIFFS 7 8 WALKUP, MELODIA, KELLY & SCHOENBERGER BY: KHALDOUN A. BAGHDADI, ESQUIRE 9 kbaghdadi@walkuplawoffice.com SARA PETERS, ESQUIRE 10 speters@walkuplawoffice.com 650 California Street 11 San Francisco, California 94108 (415) 889-2919 12 Counsel for PLAINTIFFS 13 14 KIRKLAND & ELLIS LLP BY: KARI KNOBRIKAWA, ESQUIRE kari.knobrikawa@kirkland.com 15 1301 Pennsylvania Avenue N.W. Washington, D.C. 20004 16 (202) 879-5000 Counsel for SYNGENTA CROP PROTECTION, LLC 17 18 HUSCH BLACKWELL LLP BY: JOSEPH C. ORLET, ESQUIRE 19 Joseph.Orlet@huschblackwell.com 4801 Main Street 20 Suite 1000 Kansas City, Missouri 64112-2551 21 (816) 983-8295 Counsel for CHEVRON U.S.A. INC. 22 23 24 25	Page 365 1 INDEX 2 3 APPEARANCES 363 4 PROCEEDINGS 371 5 6 EXAMINATION OF TIMOTHY PATTERSON: 7 DIRECT EXAMINATION BY MR. TILLERY 372 8 9 CERTIFICATE 567 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

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1 Exhibit 64 5-18-1966 letter to Dr. W. 541 2 G. Toland from A. A. B. 3 Swan, 4 CUSA-00364742-00364744 5 Exhibit 65 5-27-1966 Memorandum to 551 6 File; Paraquat Warning 7 Label, File: 152.31, 8 CUSA-00306416 9 Exhibit 66 7-25-1966 memo to All 553 10 Marketing Personnel: Diquat 11 and Paraquat, 12 CHEV-SJ0001666-0001671 13 Exhibit 67 8-3-1966 letter to D. W. 562 14 Hallesy from T. W. Reed, 15 CUSA-00306398-00306407 16 17 18 19 20 21 22 23 24 25	1 rest of counsel on the stenographic record if that 2 is the preference. 3 MR. TILLERY: That's fine. 4 THE VIDEOGRAPHER: Our court 5 reporter today is Debbie Dibble, representing 6 TransPerfect. The court reporter will now swear 7 in the witness. 8 TIMOTHY PATTERSON, 9 having first been duly sworn, was examined and 10 testified as follows: 11 DIRECT EXAMINATION 12 BY MR. TILLERY: 13 Q. Would you state your name for this 14 continuation record of your deposition? 15 A. Timothy Patterson. 16 Q. And for the record, this is the next 17 stage of the deposition that you started in early 18 March; correct? 19 A. Correct. 20 Q. And we've had some downtime in 21 securing this because of the pandemic in our 22 country; right? 23 A. Correct. 24 Q. All right. And for counsel's 25 purposes, we finished the last part of
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1 PROCEEDINGS 2 (June 23, 2020 at 9:03 a.m. PDT) 3 THE VIDEOGRAPHER: Good morning. 4 We are now on the record. Today's date is 5 June 23rd, 2020, and the time is 9:03 a.m., 6 Pacific Standard Time. This is the video 7 deposition of Tim Patterson, in the matter of 8 Diana Hoffmann versus Syngenta Crop Protection, 9 LLC, et al., filed in the Circuit Court, Twentieth 10 Judicial Circuit, St. Clair, County, Illinois, 11 Case No. 17-L-517. 12 This deposition is taking place 13 via video conference with the participants 14 attending remotely due to the Covid-19 pandemic. 15 My name is Jose Reyes, 16 representing TransPerfect. 17 Will counsel on the conference 18 please identify themselves and state whom you 19 represent beginning with the questioning attorney. 20 MR. TILLERY: For the plaintiffs, 21 Stephen Tillery of the law firm of Korien & 22 Tillery. 23 MR. ORLET: For Chevron USA, Joe 24 Orlet of Husch Blackwell. 25 THE STENOGRAPHER: I can note the	1 Mr. Patterson's deposition with Plaintiffs' 2 Deposition Exhibit No. 37. So as we resume today, 3 the first deposition exhibit will be 38, and so 4 on. 5 In addition, for our reporter, we 6 will send to you a copy of the earlier transcript 7 so you can start your pagination consistently with 8 the end of the prior volume. 9 THE STENOGRAPHER: Thank you. 10 Q. (BY MR. TILLERY) And so, 11 Mr. Patterson, you're here today to speak to the 12 topics that we discussed at great length when we 13 started your deposition in early March; correct? 14 A. Correct. 15 Q. And again, you understand that you're 16 here speaking on behalf of Chevron USA, and 17 they've designated you to speak to different 18 topics. 19 Now, I believe from talking to 20 your counsel that your top -- your discussion 21 topics include all of those on the outline of the 22 deposition notice. Do you understand that to be 23 the case? 24 A. I believe so. I reviewed a deposition 25 notice for today with the various points, and I

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Page 374 1 believe that's the case, yes. 2 Q. All right. Okay. 3 Now, given the fact that the 4 deposition is being taken remotely, we have to go 5 over a couple of other matters. 6 Where are you physically right 7 now? 8 A. I am at my house in Venicia, 9 California. 10 Q. And you're taking the deposition by 11 participating from a computer in your home with 12 the camera on it; correct? 13 A. Correct. 14 Q. And do you understand that this is to 15 be done in a way where we comply with Illinois 16 rules and other rules that are applicable to 17 remote depositions, and those preclude any kind of 18 electronic communication with your own counsel, 19 even, during any part of the deposition except at 20 breaks. Do you understand that? 21 A. Understood. 22 Q. And you're assuring all of us here 23 that that is the case, and that there is no 24 ongoing electronic communication, and that's in 25 your deposition room designated in your house by	Page 376 1 that? We're not talking about using different 2 documents, the same one, just higher quality ones. 3 Is that okay? 4 MR. ORLET: No objection, as long 5 as it's the same Bates Nos. 6 MR. HOPP: There's no objection 7 from Growmark. 8 MS. KNOBRIKAWA: Keri Knobrikawa, 9 no objection from Syngenta. 10 MR. TILLERY: Thanks, Counsel. No 11 problem. I appreciate you doing it because of the 12 technology compression that causes that issue and 13 we can't help it. 14 Q. (BY MR. TILLERY) Mr. Patterson, in 15 advance of your deposition today, did my office 16 provide you with -- and that is through your 17 attorneys -- copies of 14 separate groups of 18 documents that we identified for you as 19 Plaintiffs' Chevron Group Exhibits 1 through 7, 8A 20 through 8D, 9, 10A through 10D, 11 through 14? 21 A. Yes, sir, that's correct. 22 Q. Okay. Did each of Plaintiffs' Group 23 Exhibits 1 through 14 include an index that we 24 prepared providing the date and a brief 25 description of each document from that group?
Page 375 1 yourself; correct? 2 A. Yes, sir. 3 Q. That's our expectation for the 4 deposition. Okay? 5 A. Yes, sir. 6 MR. TILLERY: Now, for counsel, I 7 wanted to tell you that in reviewing the group 8 exhibits for this deposition, they have been 9 reduced or compressed in size to maintain the 10 manageability of the documents on the eDepoze 11 system. And unfortunately some of these documents 12 were produced to us by Chevron in compromised copy 13 position anyway. And when they were further 14 condensed, they became in large measure unreadable 15 for some of the documents. We're going to do our 16 best with these as we go through them today. But 17 what I wanted to do was to make sure no one on the 18 call, and I mean not just Mr. Orlet on behalf of 19 Chevron, but also Growmark's counsel and 20 Syngenta's counsel, have no objection to us 21 substituting the higher quality documents when 22 this deposition is concluded so that we obtain the 23 best possible, readable copies so long as they are 24 mirror image duplicates of what we have used on 25 eDepoze. Does anybody have any objection to doing	Page 377 1 A. Yes, sir, that's correct. 2 MR. TILLERY: And for the record, 3 the dates and descriptions in the indexes were 4 provided by attorneys in my firm, not by Chevron 5 or Syngenta, and are intended to be used only for 6 reference, not as substantive descriptions of the 7 documents. 8 Did you understand that as well? 9 THE WITNESS: Yes, sir. 10 MR. TILLERY: All right. And 11 also, for the benefit of the record, Court, and 12 Syngenta and Growmark's attorneys, because 13 Chevron's attorneys and the witness probably know 14 this already, each of the group exhibits is in a 15 PDF file that includes a bookmark that points to 16 each document in the group, with the same 17 description as in the index for that group. If 18 there's any question about what I just said, 19 please feel free, we can go off the record and 20 have it more carefully in detail explained. Okay? 21 Q. (BY MR. TILLERY) Mr. Patterson, have 22 you had an opportunity to review and familiarize 23 yourself with the documents contained in each of 24 Plaintiffs' Group Exhibits 1 through 14? 25 A. Yes, sir, I've reviewed the documents.

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Page 378 1 Q. Did you review each of these group 2 exhibits with the understanding that I don't 3 intend to ask you today about every document in 4 each group but will be asking you general 5 questions about the subjects of the documents and 6 how they relate to individual topics and subject 7 matter? You understood that? 8 A. Yes, sir, that's correct. 9 Q. Okay. I may have questions about some 10 of the documents in a group, but mostly we're 11 going to deal with in a group-level basis, the 12 idea being from the number -- do you have any idea 13 how many documents were in these 14 different 14 categories? 15 A. Quite a few. 16 Q. Hundreds, right. 17 All right. Okay. 18 In addition to reviewing each of 19 the group exhibits, in the process of preparing to 20 testify on behalf of Chevron today, have you also 21 reviewed any other documents produced by Chevron? 22 A. So I would have reviewed additional 23 documents that have the CUSA Bates number. That 24 is my understanding that that has also been 25 produced. So, for example, the reliance material	Page 380 1 Chevron created, sent internally or to third 2 parties, and kept copies of in its files in the 3 regular course of its business during that same 4 period? 5 A. Yes, sir. 6 Q. All right. Now, are you familiar with 7 the types of communications and other documents 8 that Chevron received from third parties and kept 9 in its files in the regular course of its business 10 during that same period? 11 A. Yes, sir, based on my review of the 12 documents, I am. 13 Q. All right. And did you notice when 14 you received plaintiffs' group exhibits to prepare 15 for this deposition that almost all of the 16 documents in them are documents from Chevron's 17 files that Chevron produced in the case? 18 A. Yes, sir. My understanding is that 19 most are CUSA Bates stamps, however there were a 20 few that were, I believe, Syngenta documents. 21 Q. And I think, is that number seven or 22 nine of these were Bates stamped Syngenta? Or 23 roughly that number. We're going to come to them? 24 A. Okay. 25 Q. Okay. But did you understand that
Page 379 1 from the last time, as well as any additional 2 documents through searches that I may have found 3 looking at a specific topic. 4 Q. All right. Have you spoken with any 5 additional Chevron or other former employees who 6 were involved in the paraquat business for any 7 additional background following the first part of 8 your deposition in early March? 9 A. No, sir, I have not. 10 Q. Now, based on your review of documents 11 produced by Chevron in this case, your discussions 12 with former Chevron employees who were involved in 13 this paraquat business that you talked about in 14 the first part of your deposition, and any other 15 source of knowledge you may have on this subject 16 matter other than the plaintiffs' group exhibits, 17 are you familiar with the types of documents 18 Chevron created or received and kept in the 19 regular course of its business, in particular its 20 paraquat business, during the early 1960s through 21 the 1980s when Chevron got out of the business? 22 A. Yes, sir, I'm familiar with it based 23 on my review of these documents. 24 Q. Thank you. Are you familiar with the 25 types of communication s and other documents that	Page 381 1 those documents were actually communications from 2 Chevron to ICI; correct? 3 A. Sir, I would need to review the 4 documents, I thought they -- 5 Q. All right. 6 A. -- were sometimes an ICI communication 7 to Chevron as well. 8 Q. And that may be. That may be. In 9 other words, it wasn't something completely 10 foreign to Chevron. This was either created by or 11 sent to Chevron. Everything includes that sort of 12 document to the extent they're not stamped CUSA. 13 A. Sir, I would have to say that most of 14 them, that does meet the criteria, but I can't 15 remember all of them, if they all meet that 16 criteria or not. 17 Q. Okay. All right. 18 Based on what you know from 19 sources other than the documents included in them, 20 are all of the documents in Plaintiffs' Chevron 21 Group Exhibits 1 through 14, that were produced by 22 Chevron in the case, written communications or 23 documents that were either created by Chevron, 24 received by Chevron, or circulated internally 25 within Chevron with originals or copies being

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Page 382 1 retained in Chevron's files in the regular course 2 of Chevron's business? 3 MR. ORLET: Objection to the form. 4 THE WITNESS: Sir, I believe that 5 is the case for most of the documents. That is my 6 understanding. But again -- sorry. 7 Q. (BY MR. TILLERY) Do you know of any 8 that would not meet that description? 9 A. No, I don't recall any that do not 10 meet that description. 11 Q. Okay. So as we go through these 12 documents and the group documents, you're going to 13 go through them in groups. If you see a single 14 document that doesn't meet that description, I 15 want you to point that out. But otherwise we will 16 assume, either originals of them or copies of 17 them, were as a matter of usual, ordinary course 18 of business, kept in Chevron's files as business 19 records. Understand? 20 A. Understood. 21 Q. And in each case, based upon what you 22 know from sources other than the documents 23 included in these group exhibits, what is the 24 regular course of Chevron's business to create and 25 send, receive, circulate, and file the originals	Page 384 1 the documents that you said did not bear the CUSA 2 Bates number range on them; okay? 3 And in Group 7, there are two 4 documents that are referenced there. And we can 5 pull those up. Maybe it's better for us to do 6 those as we go through that group and we can 7 identify them. All right? Does that make more 8 sense? 9 A. Okay. 10 Q. I think seven. All right. 11 Well, the first one I want to 12 refer you to is Chevron Group Exhibit No. 1. And 13 let's see how this works to pull this up on the 14 screen. 15 (Patterson Deposition Exhibit 38 16 marked.) 17 MR. TILLERY: Do we have that in 18 front of him? 19 MR. ORLET: I'm not seeing 20 anything. 21 MR. TILLERY: All right. We're 22 trying. 23 THE WITNESS: I do. I'm seeing 24 it. 25 MR. TILLERY: You see the
Page 383 1 or copies of the types of written communications 2 and documents in Plaintiffs' Chevron's Group 3 Exhibits 1 through 14 that were produced by 4 Chevron? 5 A. Sir, I don't recall reviewing, during 6 that time frame, what the policy was on Chevron's 7 retention and storage of documents. 8 Q. Is at least as to the documents you've 9 turned over, you know it was the policy to keep 10 them; right? 11 A. That's correct. 12 Q. All right. So you're saying you don't 13 know what the policy was at that time; right? 14 A. That's correct, sir. 15 Q. Let me ask you, in all of the 16 documents you reviewed, did you see any document 17 that had a CUSA Bates stamp on it that seemed not 18 authentic? 19 MR. ORLET: Objection. 20 THE WITNESS: No, sir, I did not. 21 Q. (BY MR. TILLERY) All right. 22 I want to reference these Syngenta 23 documents. I should be referring to you as 24 Dr. Patterson. Excuse me, sir. 25 Dr. Patterson, I want to reference	Page 385 1 document? 2 THE WITNESS: I do. 3 MR. ORLET: Hold on. I'm going to 4 have to figure out why I'm not seeing it. 5 MR. TILLERY: All right. Let's go 6 off the video record at this point in time. 7 THE VIDEOGRAPHER: Going off the 8 record. The time is 9:22 a.m. 9 (Recess taken, 9:22 a.m. to 10 9:25 a.m. PDT) 11 THE VIDEOGRAPHER: We are back on 12 the record. The time is 9:26 a.m. 13 Q. (BY MR. TILLERY) And you have before 14 you, index to Plaintiff Chevron Group Exhibit 1, 15 ICI-Chevron Distribution and License Agreements is 16 the first one; right? 17 A. Yes, sir. 18 Q. And then there's what we've created is 19 descriptions of the documents, with references to 20 the Bates range for those particular documents 21 that were assigned when they were produced to us. 22 Do you see that? 23 A. Yes, sir. 24 Q. Okay. Does Plaintiffs' Chevron Group 25 Exhibit No. 1 include licensing and distribution

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Page 386 1 or distributorship and related agreements between 2 Chevron and ICI companies? 3 A. Yes, sir. 4 Q. Okay. Does it include, in Group 5 Exhibit 1, two memos that relate to the 6 relationship between Chevron and ICI? 7 A. Yes, sir. 8 Q. And if you want -- okay. 9 And let's walk through each of 10 those agreements and other documents that we 11 identify for the record, okay? 12 For example, at 2, if you could 13 pull that up. 14 You're familiar with the document, 15 and you had an opportunity in advance of the 16 deposition to read this document, didn't you, sir? 17 A. Yes, sir. 18 Q. Is this the May 4, 1965 distribution 19 and licensing agreement between Imperial Chemical 20 Industries Limited and California Chemical 21 Company, which is the predecessor of Chevron 22 Chemical Company; correct? 23 MR. ORLET: Steve, you misspoke on 24 the date. 25 MR. TILLERY: I meant to say	Page 388 1 Company? 2 A. Yes, sir. 3 Q. All right. And then if we go to 36, 4 within that same Exhibit 38, the group exhibit, 5 and this is CUSA-00075161. If you would look at 6 that page as well. 7 A. Yes, sir. 8 Q. Is this -- yes. Is this the 9 April 15th, 1975 distributorship agreement between 10 ICI United States Inc. and Chevron Chemical 11 Company? 12 A. Yes, sir. 13 Q. All right. Now, within Exhibit 38, if 14 we go to page 72, which is CUSA-000075147. Take a 15 look at that for me for a second. 16 A. Yes, sir. 17 Q. Is this the April 15th, 1975 license 18 agreement between Imperial Chemical Industries 19 Limited, ICI United States Inc. and Chevron 20 Chemical Company? 21 A. Yes, sir. 22 Q. Okay. Within the same Group 23 Exhibit 38 at page 81, if we could move forward. 24 And this is CUSA-00099528. And we're going to be 25 looking at, in that document, page 31 and 32.
Page 387 1 May 4, 1965. 2 MR. ORLET: You're wrong. 3 MR. TILLERY: You're right. I am 4 sorry. It's 1964. I apologize. I'll withdraw 5 the question. 6 Q. (BY MR. TILLERY) Beginning at page 2, 7 which is this reference, and this is 8 Chevron PM-00004876, which is the Bates range, is 9 the document here a May 4th, 1964 distribution and 10 licensing agreement between Imperial Chemical 11 Industries Limited, and California Chemical 12 Company, the predecessor of Chevron Chemical 13 Company? 14 A. Yes, sir. 15 Q. All right. And if we look at page 18 16 of that document -- and we probably ought to refer 17 to this entire group as, for the entire group of 18 No. 1, and as Group Exhibit No. 38. Okay? 19 If you continue on page 18 -- and 20 that would be in Group Exhibit No. CUSA-00118611. 21 Do you see that, sir? 22 A. Yes, sir. 23 Q. Is this the April 15, 1975 24 distributorship agreement between Imperial 25 Chemical Industries Limited and Chevron Chemical	Page 389 1 So if you could pull up for him, 2 after he sees this, Bates range 9531 and 9532. 3 And the point I'm making is for you to be able to 4 identify and confirm that this document that I 5 just referenced is a November 6, 1981 addendum to 6 the license agreement between Imperial Chemical 7 Industries PLC, formerly Imperial Chemical 8 Industries Limited, ICI America as Inc., formerly 9 United States Inc., and Chevron Chemical Company. 10 A. Yes, sir. 11 Q. All right. And now we're going to 12 move forward to page 83, in the same Group 13 Exhibit 38. For the record, while this is being 14 pulled up for your view, this is CUSA-00099533. 15 And we're specifically going to 16 look at 9529 and 9577. 17 Have you read this document in 18 preparation for the deposition? 19 A. Yes, sir, I reviewed index one. 20 Q. And is this document the November 6, 21 1981 distributorship agreement between ICI 22 Americas and Chevron Chemical Company? 23 A. Yes, sir. 24 Q. All right. Now if we look at page 128 25 in Group Exhibit 38.

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Page 390 1 And this is CUSA-00099528. 2 We're looking specifically at 9529 3 through 9530, and the question is is this a 4 November 6, 1981 letter agreement between Imperial 5 Chemical Industries, PLC and Chevron Chemical 6 Company? 7 A. Yes, sir. 8 Q. All right. And if we go to 78. And 9 that's CUSA-00141503, specific reference to 1508 10 through 1510. 11 Based upon that Bates reference 12 within Exhibit 38, my question to you is, is this 13 a copy from Chevron's files of a September 16, 14 1981 memo prepared by RP Barnett of ICI Americas 15 about negotiations with Chevron to extend the 16 distribution agreement? 17 A. Yes, sir, that's my understanding. 18 Q. All right. Now, let's go to 130 19 within Exhibit 38. And this to CUSA-00075153. 20 Can you confirm that this is a 21 March 30, 1982 Chevron internal memo on the 22 subject of paraquat contract implementation? 23 A. Yes, sir, that's correct. 24 Q. And this is a memo from E.L. Stripling 25 to Mr. R. Prideaux-Brune; correct?	Page 392 1 If you look at 5 in the first 2 sentence. 3 A. Yes, sir. 4 Q. I meant to say f. 5f. Do you see 5 that? 6 A. Correct, sir. 7 Q. Now, if you'd read for the record item 8 5e under that same heading on that same page? 9 A. Mm-hmm. Consider the introduction of 10 an emetic formula, although there is some question 11 whether it is effective. Costs may also be 12 substantial, and probably cannot be recovered. 13 ICIA may or may not introduce an emetic in the 14 U.S.A. for the same reasons, although ICI 15 currently sells an emetic formula elsewhere in the 16 world. We will be alert so that ICIA does not 17 "scoop" us here. 18 Q. What's that mean, scoop us? 19 MR. ORLET: Object to the form. 20 THE WITNESS: Sir, my 21 interpretation of what that means is that ICIA 22 would not, you know, beat them to the punch or do 23 something before Chevron did it. 24 Q. (BY MR. TILLERY) Right. In other 25 words, sort of beat you to the punch with respect
Page 391 1 A. Correct. 2 Q. And did your research, in preparation 3 for the deposition, cause you to confirm what 4 their responsibility and job titles were at the 5 time of this memo? 6 A. Sir, nothing came across reviewing the 7 document and took note of it. I would be aware of 8 their job titles, but I did not specifically 9 investigate who everyone was in these letters. 10 Q. All right. I understand. 11 In any event, it was in 12 San Francisco, California, in the upper right, 13 March 30, 1982. And it references at the top, 14 paraquat contract implementation; correct? 15 A. Yes, sir. 16 Q. And if we go to heading 5, Strategy. 17 Do you see that? 18 A. Yes, sir. 19 Q. If you'd take a look at that for a 20 second, please, so you can answer my questions. 21 And my first question to you on 22 this is does the memo indicate under this heading 23 5, Strategy, that ICIA was, by that time, selling 24 paraquat in all areas in which Chevron was also 25 selling paraquat?	Page 393 1 to the product; right? Would that be a fair 2 assessment? 3 MR. ORLET: Object to the form. 4 THE WITNESS: That's my 5 understanding of reading that sentence -- 6 MR. TILLERY: Right. 7 THE WITNESS: -- in the context of 8 5e. 9 MR. TILLERY: All right. Let's 10 move on to Group Exhibit 2. 11 And this is Exhibit 39. 12 (Patterson Deposition Exhibit 39 13 marked.) 14 MR. TILLERY: Tell us when you 15 have it done and working and then please just make 16 sure this is the same one. It's -- I'm 17 representing to you we're using exactly the same 18 ones, to my knowledge, that we sent you, 19 word-for-word, all the same documents. 20 THE WITNESS: Yes, that does look 21 like -- I have it up and it looks like the exhibit 22 to -- that you sent to us, based on what I can 23 tell. 24 Q. (BY MR. TILLERY) All right. And we 25 provided an index to you, and this references

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Page 394 1 plaintiffs' Chevron Group Exhibit 2 which we 2 referenced for this deposition as Exhibit No. 39. 3 And it's -- topic is ICI Chevron 4 Active Ingredient and Formulation Pricing; 5 correct? 6 A. Correct, sir. 7 Q. And then it has a number of 8 descriptions that are very, very brief, with 9 references to certain Bates numbers; okay? 10 And this consists of 29 documents, 11 and these were all produced by Chevron; correct? 12 If you want to go see them, you 13 can. I don't think there are -- there are no 14 Syngenta documents in here, I'm representing to 15 you, sir. 16 A. Yes, sir, I looked and there's no 17 Syngenta documents. They're all CUSA documents. 18 Q. These were all produced by Chevron. 19 And these are 29 documents that 20 relate, among other topics, to the pricing of 21 paraquat that ICI and later ICI Americas sold to 22 Chevron. And with respect to ICI Americas, how 23 that price and other payments and credits between 24 ICI Americas and Chevron would be or were 25 determined; correct?	Page 396 1 Do you understand from your review 2 of the documents in this case, including the 3 documents in this particular group exhibit, 39, 4 that when this memo was written, Chevron was 5 buying paraquat from ICI Americas and using some 6 of it to formulate its own paraquat products and 7 some to formulate paraquat products for ICI 8 Americas? 9 A. Yes, sir, that is my understanding. 10 Q. All right. Do you understand that the 11 purpose of this memo is to document how the 12 various payments and credits between Chevron and 13 ICI are to be calculated and when they're to be 14 paid or the credits are to be given? Did you 15 understand that as well? 16 A. Yes, sir. 17 Q. So if we could just go through this 18 document. There's several -- seven numbered 19 sections; right. 20 And you can look to the next page 21 if you want us to go to that. 22 A. Yes, sir, there are seven. 23 Q. All right. Let's go back to the first 24 section. And this is entitled Reimbursement of 25 Chevron's Tolling Fees; correct?
Page 395 1 A. Yes, sir. 2 Q. All right. And Plaintiffs' Group 3 Exhibit No. 39 includes a number of letters 4 between Chevron and ICI Americas that set forth in 5 detail the calculations at various times of the 6 price Chevron paid ICI for paraquat, and the 7 payments ICI made or credits it gave to Chevron or 8 vice versa, doesn't it? 9 A. Yes, sir, that's my understanding. 10 Q. Rather than walk through all of those 11 calculations, which would cause us to be here 12 through about Saturday, okay? Can I direct your 13 attention to the document at 4142? And that's 14 CUSA-00066229. And the number here on the 15 reference is 375 through 379. 16 Do you see that? 17 A. Yes, sir. 18 Q. And you've had an opportunity to 19 review it in anticipation of this deposition, 20 didn't you, sir? 21 A. Yes, sir. 22 Q. Is this is a Chevron memo to the file 23 dated February 17, 1983; correct? 24 A. Correct. 25 Q. Okay.	Page 397 1 A. Correct. 2 Q. And that's for Formulation of 3 Gramoxone for ICI; correct? 4 A. Correct. 5 Q. And this indicates that ICI will 6 reimburse Chevron based on its average formulation 7 costs for the cost of formulating paraquat 8 products for ICI. 9 Let me restate the question, 10 because I goofed it up. 11 MR. ORLET: What paragraph are you 12 referring to? 13 MR. TILLERY: This is under No. 1, 14 Reimbursement of Chevron's Tolling Fees on page 1. 15 And just so we're clear, this is Exhibit No. 39. 16 Okay? 17 MR. ORLET: That paragraph is 18 under A -- or under one. 19 Q. (BY MR. TILLERY) So he can identify 20 that. 21 This first section, Reimbursement 22 of Chevron's Tolling Fees, indicates that ICI will 23 reimburse Chevron based upon its average 24 formulation costs for the cost of formulating 25 paraquat products for ICI, doesn't it?

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Page 398 1 MR. ORLET: Object to the form. 2 Q. (BY MR. TILLERY) Do you see A and 3 then the second paragraph of A? 4 A. Yes, sir, I understand that. What it 5 says is that Chevron bills ICI the tolling fee. 6 But in terms of the reimbursement, I don't see 7 that there. I apologize. 8 Q. And if you keep reading, there's a 9 second section that indicates that Chevron will 10 get a credit from ICI to reimburse Chevron for 11 paraquat that it used in formulating ICI products? 12 Do you see that? 13 A. Sir, are you referring to 2a? 14 Q. Yes. Actually, it's -- I think it's 15 1b: Retroactively adjust at the end of each 16 6-month period to reflect Chevron's average 17 formulation cost actually incurred during that 18 period. 19 2b. I'm sorry, 1b. Do you see 20 that? 21 Are you looking -- we're looking 22 at the same document; right? 23 A. Yes, sir. 24 Q. All right. So this -- this is the one 25 entitled reimbursement for Chevron's tolling fees,	Page 400 1 were able to research to answer; right? 2 A. Correct. 3 Q. Well, we know that this third section 4 indicates that ICI will pay royalties to Chevron 5 based on ICI's sale of paraquat products and on 6 something the parties called the formulated 7 product price; correct? 8 A. Yes, sir, that's correct. 9 Q. Okay. In other words, Chevron would 10 share in ICI's revenue from paraquat products. Is 11 that a fair statement? 12 MR. ORLET: Object to the form. 13 THE WITNESS: Yes, sir, based on 14 what I read in this document, that is correct. 15 Q. (BY MR. TILLERY) All right. In the 16 fourth section, we have a reference to base price 17 and how annual adjustments will be made. Do you 18 see that at the very end? 19 A. I do see that. 20 Q. And read those two lines, if you can, 21 and then we'll flip it over to the next page. 22 Tell me when you're ready. 23 A. I'm ready. 24 Q. So it says character -- okay. 25 Actually, it looks like that's it for that line.
Page 399 1 memo to file, formulation of Gramoxone for ICI. 2 We're on the same page, right? 3 A. Yes, sir. 4 Q. All right. So if you'll look under b) 5 Retroactively adjust at the end of each six-month 6 period to reflect Chevron's average formulation 7 cost actually incurred during that period. Do you 8 see this? 9 A. Yes, sir. 10 Q. Yeah. Does that answer the question? 11 A. Yes, sir, I believe it does. Chevron 12 was billing ICI for the tolling fees. 13 Q. All right. And the third section, 14 okay? That section indicates that ICI will pay 15 royalties to Chevron based on ICI's sale of 16 paraquat products and something called the 17 formulated product price. 18 A. Yes, sir. 19 Q. Okay. The fourth section defines -- 20 yeah, what is the formulated product price? 21 A. Sir, I would need to familiarize 22 myself with more documents to understand exactly 23 what that refers to. I would just be guessing at 24 what it means. 25 Q. Okay. It's not something that you	Page 401 1 Let's go back to that. 2 I just wanted a confirmation, this 3 section defines the base price and how annual 4 adjustments to it will be made; right? 5 A. Yes, sir, that's correct. 6 Q. So it's \$34 a gallon for the 1982 7 contract year, and adjusted annually thereafter 8 based on change in Producer's Price index; 9 correct? 10 A. Correct, that's what the document 11 says, sir. 12 Q. And you have no reason to dispute that 13 this was in fact what the arrangement was between 14 those parties; right? 15 A. No, sir, I do not. 16 Q. All right. And let's go to the next 17 page, the fifth section. Do you see that ICI 18 formulated price -- product price, and it 19 references in parentheses, Gramoxone; okay? 20 And it has Established for each 21 6-month period, equals weighted average net 22 selling price. And that is defined as net selling 23 price = ICI's published distributor price of 24 formulated Paraquat minus all discounts; correct? 25 A. Yes, sir, that is correct.

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Page 402 1 Q. Okay. And the sixth section, entitled 2 Formula Price, indicates that this Equals ICI's 3 formulated product price less Chevron's average 4 formulation cost; right? 5 A. Yes, sir. 6 Q. And the seventh section defines 7 Chevron's concentrate price? 8 A. Yes, sir. 9 Q. Would you agree based on your review 10 of the correspondence between Chevron and ICI in 11 this group exhibit that with a couple of 12 adjustments, for example to account for the 13 addition of the emetic, what this February 17, 14 1983 memo describes is how the payments and 15 credits between ICI and Chevron worked in practice 16 between 1983 through 1986? 17 MR. ORLET: Object to the form. 18 THE WITNESS: Yes, sir, that's my 19 understanding. 20 Q. (BY MR. TILLERY) All right. Let's go 21 to Exhibit No. -- is it 39? 40. 22 (Patterson Deposition Exhibit 40 23 marked.) 24 MR. TILLERY: And it's a group 25 exhibit, and we'll pull that first page up for	Page 404 1 think actually they go to '87. 2 MR. TILLERY: They go through 3 what, Joe? I didn't hear you. 4 MR. ORLET: Well, the -- 5 THE WITNESS: So there's a -- sir, 6 there's a discrepancy between the title and then 7 the listing date on the very left-hand side. 8 MR. TILLERY: Okay. Would you 9 mind pointing out where we made a mistake on this, 10 please? Just let us know. 11 THE WITNESS: For example, on the 12 third line up from the bottom. 13 MR. TILLERY: Yes, sir. 14 THE WITNESS: Which is page 506, 15 it says 1986 Ag Chem? 16 So perhaps the 1987.02.16, perhaps 17 that's the date of a letter, for example. 18 I would need to double-check and 19 see what that 1987 refers to. If that's when 20 Chevron received the document or when they filed 21 the document, compared to the title, which is 22 1986. 23 MR. TILLERY: Okay. Can you pull 24 that up for him? 25 Q. (BY MR. TILLERY) That would be
Page 403 1 you. 2 Q. (BY MR. TILLERY) Do you have the 3 index before you, sir? 4 A. Yes, sir, I do. 5 Q. Take your time and tell me when you've 6 refreshed yourself on the documents we sent you 7 before. 8 [Document review.] 9 A. Yes, sir, this resembles the list of 10 documents in the index 3 that I've previously 11 reviewed. 12 Q. Right. And this index 3 that says on 13 the paper we're calling Plaintiffs' Deposition 14 Exhibit No. 40, references Chevron's distribution 15 chain; correct? 16 A. Correct, sir. 17 Q. And Group No. 40 is a group of 19 18 documents from Chevron's files that relate to 19 Chevron's paraquat, distributors, formulators, and 20 dealers; correct? 21 A. Yes, sir, that is correct. 22 Q. Are these documents that collectively 23 relate to Chevron's paraquat sales during the 24 period from 1978 through 1986? 25 MR. ORLET: Object to the form. I	Page 405 1 page 386, wouldn't it, sir? 2 A. Yes, sir. 3 So, sir, in an attempt to answer 4 your question, it appears that the summary report 5 was generated in February of 1987, but it refers 6 to 1986. 7 Q. Right. So we're really talking about 8 sales that ended in '86 but were reported in '87; 9 correct? 10 A. Yes, sir, that appears to be the case. 11 Q. Okay. So back to my question. These 12 are documents that collectively relate to 13 Chevron's paraquat sales during the time period 14 from 1978 through 1986 when Chevron no longer sold 15 the product; correct? 16 A. Yes, sir, that's correct. 17 Q. All right. And the first four 18 documents, if you'd go back to the index. All 19 right. And now we're going to go to 2, 7, 11, and 20 15. If you'd take a look at these documents. 21 And this, for the record, is from 22 Plaintiffs' Exhibit Deposition No. 40, 23 CUSA-0031912. And I'm referencing this document 24 as an accounting document regarding rebates paid 25 in 1978 to four customers.

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Page 406 1 I don't know if you can see them. 2 And two are from Belleville, 3 Illinois, one is in New Athens, Illinois, and one 4 is in Lebanon, Illinois. 5 And I want you to look at all of 6 the documents before you answer so you can confirm 7 the accuracy of my question -- my statement. 8 A. So are we done scrolling through? 9 Q. I think so. But the point I was 10 making is we sent these documents to you in 11 advance of the dep scheduled for today, and all I 12 wanted to confirm is that these four documents and 13 their references on the index at pages 2, 7, 11, 14 and 15, and they range in Bates numbers, 15 CUSA-0031912, CUSA-00057478, CUSA-00031175, and 16 finally, CUSA-00029773. That those documents are 17 accounting documents regarding rebates paid in 18 1978 to four customers, two in Belleville, 19 Illinois, one in New Athens, Illinois, and one in 20 Lebanon, Illinois. Can you confirm that for me? 21 A. Yes, sir, I can confirm that. 22 Q. Thank you very much. 23 Now let's turn to page 20 of Group 24 Exhibit No. 40. This is CUSA-000103773. 25 Please take a look at this.	Page 408 1 A. Okay. 2 Q. Okay? 3 A. Yes, sir. 4 Q. Yeah. All right. 5 And so can you confirm that this 6 is a letter telling Chevron customers that under a 7 new agreement regarding the supply of paraquat in 8 the United States, ICI Americas will be entering 9 the U.S. market in 1982; is that correct? 10 A. Yes, sir, that's correct. 11 Q. And that would date this letter 12 sometime between early November 1981, the date of 13 that agreement, which we've identified, and the 14 end of 1981 or not long after, wouldn't it? 15 MR. ORLET: Object to the form. 16 THE WITNESS: That would make 17 sense as to the dates, but I can't tell you for 18 sure. 19 Q. (BY MR. TILLERY) Because it's not a 20 dated letter? Right? 21 A. Correct, sir. 22 Q. Okay. But we know that when -- you've 23 already identified the date of the agreement, and 24 that was early November of 1981, and we know that 25 they're saying that this would happen in early
Page 407 1 [Document review.] 2 Q. And you tell me when you're ready to 3 talk about it. 4 [Document review.] 5 A. Yes, sir, I'm ready to talk about it. 6 Q. All right. This is another document 7 that we sent to you to review before the 8 deposition; correct? 9 A. Yes, sir, it is. 10 Q. All right. And would it be fair to 11 say this is a form letter telling Chevron 12 customers that under a new agreement regarding the 13 supply of paraquat in the United States, ICI 14 Americas will be entering the U.S. paraquat market 15 in 1982? 16 A. Sir, I apologize, when you say a form 17 letter, can you expand on what you mean by a form 18 letter? 19 Q. It's just my reference to the fact 20 that it was sent out to several different 21 customers. I think it was just one with several 22 attachments. 23 So if -- I didn't mean anything 24 nefarious by it. You can call it anything you 25 want. It's a letter.	Page 409 1 1982. So that would put that letter in about that 2 time period; correct? 3 A. Yes, sir, it would make sense it would 4 be in about that time period. 5 Q. All right. And among other things, 6 does this 1981 letter, or whatever, say that in 7 1981 it was the largest sales year ever in 8 Chevron's two decades of marketing paraquat? 9 A. Yes, sir, it does. 10 Q. And the text of the letter is followed 11 by a list of addressees, about 60 pages long, 12 isn't it? 13 Do you want to look at that? 14 You can't. 15 A. Yes, sir. 16 Q. All right. Why don't you pull up the 17 successive pages behind it. This one. 18 Do you see this? 19 A. Yes, sir, I do. 20 Q. Do you now remember that it was 21 followed up by page after page after page, I 22 think, by my notes here, 60 pages long of the 23 addresses and names of distributors of the 24 product; correct? 25 A. Yes, sir, that's correct.

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Page 410 1 Q. All right. One of those, on 2 page 50 -- that's CUSA-00103803, if you'd pull 3 that up. If you'd look at that one at the bottom? 4 Right close to the bottom. Do you see where it 5 says Growmark, Inc., 1701 Towanda Avenue, 6 Bloomington, Illinois? 7 A. Yes, sir, I see that. 8 Q. So one of the addressees is Growmark 9 Inc.'s procurement manager in Bloomington 10 Illinois; right? 11 A. Yes, sir. 12 Q. Page 59? I'm told I misspoke when I 13 said -- is it -- strike that. 14 Hold on one second. 15 So the next I'd like you to look 16 at is the following page, which is page 51. 17 And this is CUSA-00103804. 18 And if you'd look on there and 19 see, if you can see a reference to the manager of 20 crop protection chemicals for USS Agri Chemical 21 Company. 22 Do you see it? 23 A. Where is that? 24 Q. And if it's not there, we'll go to 61, 25 as I originally said.	Page 412 1 MacWilliams, Manager, Crop Protection Chems, 2 USS Agri Chemicals, Eagle Park Road, 3 P.O. Box 2499, East St. Louis, Illinois. 4 Q. Yes, that's the part I wanted. And 5 that was the distributor of paraquat products for 6 Growmark; right? 7 A. Sir, I don't recall seeing that in the 8 documents. 9 Q. Well, I mean, by inclusion in this 10 document, if we have to go back to the letter, we 11 will, but this letter was sent out to a -- 12 basically a 60-page list of distributors 13 throughout the United States. Do you see that? 14 A. Yes, sir. 15 Q. And one of those was located in east 16 St. Louis, and another one was Growmark located in 17 Bloomington; right? 18 A. Yes, sir. 19 Q. Now let's go to 64 through 66 in Group 20 Exhibit No. 40. This is CUSA-00232800 through 21 2802. 22 [Document review.] 23 Q. And if you'd show the next document, 24 2801 and 2802. 25 Can you take a look at that as
Page 411 1 A. Yes, sir, I couldn't find it. I 2 apologize. 3 Q. I couldn't either. Sorry about that, 4 I misdirected us. 5 There it is. Is that this page 6 we're on? 7 (Discussion off the record.) 8 And we're unable to display the 9 portion of the document. 10 Can we actually give the document 11 back to you to confirm, sir? Because it appears 12 that the page reference is there, it's just that 13 we can't pull it up on the screen to show you. So 14 we're going to turn the document over to you and 15 take it off display mode so that you can verify 16 what is on that page. 17 And I'm basically looking for 18 another distributor of the paraquat products. And 19 if you'd look for the manager of crop protection 20 chemicals for USS Agri Chemical, East St. Louis, 21 Illinois. 22 And it may be towards the bottom 23 of the page. 24 It's the second from the bottom? 25 A. I've found it. It's Mr. Charles D.	Page 413 1 well? 2 A. Yes, sir. 3 Q. So one is a August 19, 1982 note and 4 two attachments from CH Lupsha, to AV Dearman; 5 correct? 6 A. I think we skipped that page. 7 Q. Okay. And if you go back to the 8 Dearman 64. 9 Do you see this, to 10 Mr. AV Dearman: Here are some thoughts you might 11 wish to send on to Ira and Dick Foell by 12 CH Lupsha, with attachments, he references. 13 And the next document? First 14 attachment is a memo on the subject of Aceto 15 Chemical and Paraquat; is that right? That's the 16 topic. 17 A. Yes, sir. 18 Q. And then take a look at that. Item 19 one of this memo says: Aceto will be receiving a 20 label. Translated, that means the EPA will grant 21 an application by Aceto to register a paraquat 22 product; right? 23 MR. ORLET: Objection. 24 THE WITNESS: Yes, sir. 25 Q. (BY MR. TILLERY) And if Aceto

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Page 414 1 registered a product, it would be competing with 2 Chevron, wouldn't it? 3 A. Yes, sir. 4 Q. In response to the anticipated 5 registration by Aceto, does this memo propose 6 steps Chevron can take to set up a program under 7 which Chevron would sell product, paraquat 8 product, to formulators who would then formulate 9 products and sell them under their own labels? 10 A. Yes, sir, under point 2 it says to 11 identify customers who could purchase paraquat 12 concentrate and formulate and market under their 13 label. 14 Q. And at some point after August of 15 1982, did Chevron set up a program to do just 16 that? 17 A. Sorry, sir, I don't recall from the 18 document. 19 Q. And who would be -- who at Chevron can 20 answer that question? You're the designated 21 witness on this, and I would urge you, if you can, 22 to research that so that when we resume the 23 deposition, not necessarily today, we get an 24 answer to that if you would be so kind to do it 25 for us. Okay?	Page 416 1 left, Helena Chemical Company, United 2 Agri-Products. We just talked about them. 3 And we go down through this list. 4 Is that a fair assessment of what that is? 5 A. Yes, sir, it is. 6 Q. And what's the far right quantity? 7 A. The far right is the quantity paraquat 8 purchased in 1981. 9 Q. Okay. Does this show that Growmark 10 was the 13th largest of Chevron's paraquat 11 distributors in 1981? 12 A. Yes, sir, based on this document, it 13 indicates that Growmark is No. 13 on this list. 14 Q. Having bought 34,704 gallons in 1981; 15 right? 16 A. Yes, sir. 17 Q. All right. And if we go to -- now, to 18 page 67 of this group exhibit, which is No. 40. 19 And this is CUSA-00018 -- strike 20 that. This is CUSA-00010868, page 67. 21 Take a look at it, please. 22 [Document review.] 23 A. Yes, sir. 24 Q. All right. Now, is this a computer 25 run dated January 31st, 1984, of a report titled
Page 415 1 A. Yes, sir, I will look into that. 2 Q. Do you know whether Chevron ever sold 3 paraquat products to formulators before August of 4 1982? 5 A. Based on my review of the documents, I 6 did not come across that. 7 Q. You didn't see any evidence that they 8 ever did; correct? 9 A. To my recollection, no, I did not see 10 that. 11 Q. Before '82, August '82, Chevron sold 12 only formulated paraquat products themselves; 13 correct? 14 A. Yes, sir, that's my understanding 15 based on my review of these documents. 16 Q. And it sold those products to 17 distributors and dealers, didn't it? 18 A. Yes, sir. 19 Q. So the next page of this document is a 20 one-page table listing some of Chevron's larger 21 paraquat distributors and the amount each of them 22 purchased in '81. Do you see that? 23 A. Yes, sir, I do. 24 Q. So we look at the top, we see Quantity 25 Paraquat Purchased 1981, and then we have, on the	Page 417 1 1983 Agricultural Chemicals Summary of Paraquat 2 Customer Shipments? 3 A. Yes, sir, that's correct. 4 Q. And let's go to 80 through 83 at this 5 point. And that's CUSA-00038015. This is still 6 in Plaintiffs' Deposition Exhibit No. 40. 7 And this is a hand-written note 8 followed by a list of formulators and distributors 9 by state that's stamped August 1st, 1984. We'll 10 give you this information. 11 This first is Mr. Foell. It says, 12 Dick Foell, San Francisco. And if you'd take a 13 look at that. Do you need to take charge of this 14 exhibit yourself to read it? 15 A. No, I think I can scroll on this one 16 page, but I don't believe I can change pages. 17 Q. You can't. We're going to give that 18 to you now. 19 [Document review.] 20 A. What was the page number? 21 Q. Actually we're going to go to page 82, 22 which is CUSA-00038017. 23 [Document review.] 24 A. Yes, sir. 25 Q. Can you pull that up in display?

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Page 418 1 Okay. Now, do you see the names 2 listed under Illinois? 3 A. Yes, sir. 4 Q. Okay. So it's got Red Panther, UAP, 5 Helena, Brayton, Wilbur Ellis, Cornbelt, 6 Universal, Terra; right? 7 A. Yes, sir. 8 Q. And Growmark's not on the list. 9 A. Yes, sir. 10 Q. And despite the fact that we know that 11 Growmark was selling large amounts of paraquat; 12 okay? Do you see that? 13 A. Yes, sir. 14 MR. HOPP: Objection to the form 15 of the question. Sorry I, I got in late. 16 Q. (BY MR. TILLERY) Would Growmark get 17 on this list if it was a distributor but not a 18 formulator? 19 MR. ORLET: Object to the form. 20 MR. HOPP: Object to the form. 21 THE WITNESS: Sir, I don't know. 22 It's a document -- this document is from 1984, so 23 I would -- I would need to line up the different 24 documents and see how things trended over time. 25 Q. (BY MR. TILLERY) Well, was Growmark	Page 420 1 A. Yes, sir, that is correct. 2 Q. And the report related to a customer 3 rebate program like the one we saw the accounting 4 documents for; correct? 5 A. Yes, sir. 6 Q. Chevron would have relied on this 7 report and similar reports for the purpose of 8 reviewing the effectiveness of its rebate program 9 and whether it should offer similar or perhaps 10 different programs in the future, wouldn't it? 11 As a normal business practice? 12 MR. ORLET: Object to the form. 13 THE WITNESS: Sir, that certainly 14 makes sense, but I couldn't confirm that that's 15 how Chevron was using this document and this 16 information. 17 Q. (BY MR. TILLERY) What you're saying 18 is it makes business sense -- it would be 19 consistent with what you know they -- how they do 20 business today, wouldn't it? 21 A. Sir, I cannot comment on how Chevron 22 does its business today. That's not my area of 23 expertise. But based on the review of these 24 documents, this does seem to connect to the rebate 25 program.
Page 419 1 ever a formulator of paraquat products? 2 A. Sir, I know they were a -- I believe 3 they were a distributor. I don't know if they 4 were a formulator. 5 Q. Okay. All right. Let's go to 84. If 6 you'd turn to that page. And that's -- if we can 7 direct you to that. And that's CUSA-00010951. 8 And that runs through page 203 -- 9 it's a lengthy document -- all the way to 11069. 10 Just look at it first of all and 11 refresh yourself. 12 [Document review.] 13 A. Yes, sir, I've reviewed it. 14 Q. It's entitled a Chevron end of offer 15 report for paraquat dated February 15, 1985; 16 correct? Do you see that? 17 A. Yes, sir, that's correct. 18 Q. And this report relates to a Chevron 19 paraquat rebate program, isn't it? 20 A. Yes, sir. 21 Q. And the report is also sorted by 22 salesmen. And for each salesmen, lists one or 23 more dealers, each dealer's address, or at least 24 city and state, and the number of rebate dollars 25 for each dealer; correct?	Page 421 1 Q. Yeah, it would make sense they're 2 using this information for a reference, to tell 3 them whether this is effective, whether they 4 should continue it, whether they should expand it, 5 that sort of thing; right? 6 Would that be a fair assessment? 7 A. Yes, sir, that would be a best guess 8 of mine based on this information. 9 Q. All right. So let's go to 203. And 10 this is CUSA-00067912. And we're going to be 11 focused on pages 32 through 36. 7932 through 12 7936. We are still on group exhibit -- or 13 Plaintiffs' Exhibit 40. 14 [Document review.] 15 Q. Okay, are you ready to talk about this 16 one? 17 A. Yes, sir. 18 Q. All right. This is a March 15, 1985 19 Chevron internal memorandum and attachments 20 relating to Chevron's 1985 and 1986 formulator 21 program; right? 22 A. Yes, sir. 23 Q. All right. And beginning at 208, 24 which is 7944. That's CUSA-00067912 at 7944. 25 Take a look at that real quick.

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Page 422 1 This is a May 22, 1985 Chevron 2 internal memo on the subject of Paraquat 3 Scenarios; correct? 4 A. Yes, sir, that's correct. 5 Q. All right. And if we look on that 6 document at -- starting at 211, I have several 7 pages to show you, 211, 226, 240, 270. If you'd 8 just look at those. Start off at 211. 9 And then 226. More of the same. 10 240. 11 270 is the next one that I would 12 direct you to. 13 I think 270 is the next one. 14 Have we done that one? Then 386. 15 And then 506. All of these are 16 found at CUSA-00051376, 51456, 08713, 08743, 09226 17 and 09103. 18 These six documents are 1983 and 19 '84 paraquat customers reports, and four reports 20 providing data relating to formulators' and 21 dealers' involvement in the 1986 ag chem paraquat 22 rebate program, aren't they? 23 A. Yes, sir, that's my understanding. 24 Q. All right. And if you go to 543, and 25 that's CUSA-00015454. Page 543.	Page 424 1 Now, let's go to the next group 2 exhibit, which is Plaintiffs' Deposition Exhibit 3 No. 41. 4 MR. ORLET: Steve, is now a good 5 time to take a break? 6 MR. TILLERY: Absolutely, Joe. We 7 can go off the record at this point. 8 THE VIDEOGRAPHER: Going off the 9 record. The time is 10:35 a.m. 10 (Recess taken, 10:35 a.m. to 11 10:55 a.m. PDT) 12 THE VIDEOGRAPHER: We are back on 13 the record. The time is 10:56 a.m. 14 Q. (BY MR. TILLERY) Sir, let me direct 15 you to Plaintiffs' Deposition Exhibit No. 41. And 16 we'll look at the index first. 17 (Patterson Deposition Exhibit 41 18 marked.) 19 THE WITNESS: Okay. I have it 20 open. 21 Q. (BY MR. TILLERY) Can you confirm that 22 this is one of the group exhibits of documents 23 that we sent to you in advance of the deposition a 24 couple of weeks ago, which is comprised of a group 25 of 13 documents from Chevron's files that range
Page 423 1 Do you see that one? This is an 2 undated computer-generated report entitled 3 Paraquat Dealer List. Do you see that? 4 A. Yes, sir, I do. 5 Q. All right. And based on the 6 handwritten note, this is a list dealers who were 7 serviced out of Chevron's Creve Couer, Missouri 8 office; correct? 9 Do you see at the top right 10 corner, sir? 11 A. Yes, sir. 12 Q. And then if we go to. If we go to 13 589, which is CUSA-00100535 -- and that's at 0551. 14 Do you see that? 15 A. Yes, sir. 16 Q. If you go through the next pages 17 through 555, is a list of Chevron's top 90 18 paraquat customers for 1997; right? 19 A. 1977, sir. I believe you said 1997. 20 Q. I'm sorry, 1977. Misspoke. 21 A. Yes, sir, that's correct. 22 Q. Listing the gallons sold for each 23 individual one of these; right? 24 A. Yes, sir, that's correct. 25 Q. Okay. All right.	Page 425 1 from 1974 to 1982 and relate to the potential 2 entry of competitors into the market for paraquat 3 in the United States? 4 A. Yes, sir, I can confirm that. 5 Q. All right. And do these documents 6 show, among other things, that Chevron worked 7 together with ICI to try to prevent paraquat 8 manufacturers like those in Taiwan and non-ICI 9 paraquat distributors like Aceto from successfully 10 registering products for sale in the 11 United States? 12 MR. ORLET: Object to the form. 13 THE WITNESS: Sir, there are 14 multiple documents here that evaluate what the 15 impact would be of Aceto and others entering into 16 the U.S., but I don't necessarily recall anything 17 where they were directly preventing them from 18 competing. 19 Q. (BY MR. TILLERY) Are you aware of 20 them ever taking any action which would have the 21 normal or logical effect of preventing competitors 22 from coming into the U.S. market? 23 MR. ORLET: Object to the form. 24 THE WITNESS: Sir, I recall, based 25 on my review of these documents, Chevron inquiring

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Page 426 1 with the EPA regarding the labeling and 2 registration of, for example, Empire and Aceto, 3 and whether or not there would be fair 4 compensation for the data that Chevron has 5 developed as well as highlighting concerns whether 6 Empire and Aceto could mirror the product 7 stewardship program that Chevron undertook to 8 ensure the safe use of paraquat. 9 Q. (BY MR. TILLERY) And what was that 10 stewardship program? 11 A. Sir, Chevron put great effort into 12 education programs and outreach into the field and 13 the dealers and distributors, to emphasize the 14 hazards of paraquat, to ensure that it was handled 15 appropriately with the hazards. 16 Q. Okay. Were any of these companies, 17 Empire or Aceto, successful in entering the market 18 during the time period that Chevron formulated 19 paraquat products? 20 A. Sir, my recollection is, is that they 21 were not for most of the time period. Closer 22 towards the end, I would need to double-check, but 23 I don't believe that they were. 24 Q. So do you know of any one company 25 besides ICI Americas that sold paraquat in the	Page 428 1 to take over, would be market share and sales, 2 et cetera. Is that something that we should defer 3 to a different date to give you an opportunity to 4 look at those numbers? 5 A. Sir, I would just need to confirm that 6 one point. 7 Q. Okay. Well, other than, for example, 8 in 1982, other than ICI Americas and Chevron, did 9 anybody, were any other companies selling paraquat 10 in the United States? 11 A. No, sir, not that I'm aware of. 12 Q. What about '83? 13 A. Closer to that time period, the -- I 14 would need to double-check. I don't believe so in 15 '83. 16 Q. Okay. And what about preceding 1982? 17 A. No, sir, my understanding is that no 18 one else was selling paraquat into the U.S. 19 Q. And from 1965 until '82 when ICI 20 Americas came into the market selling Gramoxone, 21 was there any other company besides Chevron that 22 sold paraquat-containing products? 23 A. No, sir, not to my knowledge. 24 Q. All right. Now, Plaintiffs Deposition 25 Exhibit No. 41, back to that number.
Page 427 1 United States other than Chevron? 2 MR. ORLET: Object to the form. 3 Q. (BY MR. TILLERY) Do you need me to 4 restate that question? Let me restate it? 5 A. No, sir. 6 Q. I'll withdraw it. 7 A. I'll answer the question. 8 Q. Other than Chevron and ICI Americas, 9 up until the time that Chevron lost the paraquat 10 market in '86, were there any other manufacturers 11 and formulators of paraquat products? 12 A. Sir, I would need to confirm that. I 13 recall in the documents towards the end that there 14 was talk of additional paraquat in the U.S. And 15 so I would just want to double-check before I can 16 give you an affirmative answer. 17 Q. All right. So when you say there was 18 talk of it in towards the very end, what dates or 19 time are you referring to? 20 A. So my recollection is towards the '83, 21 '84, '85, '86 time period. I would just need to 22 double-check in the documents based on my memory 23 of what I read. 24 Q. So for purposes of the deposition, or 25 one of the topics that I was told you were going	Page 429 1 Chevron helped with ICI's 2 Gramoxone product registration beginning in 1982, 3 didn't it? In the formulation for a product -- 4 strike the question. 5 In the case of ICI Americas, 6 Chevron helped get ICI's Gramoxone product 7 registered and beginning in 1982 formulated that 8 product for ICI at cost and collected a percentage 9 of Chevron sales of the product, didn't it? 10 A. Yes, sir, that's my understanding 11 based on review of these documents. 12 Q. And you have to confirm, through 13 checking other records, whether or not from 1982 14 until Chevron got out of the business in 1986, ICI 15 Americas was Chevron's only competitor in the 16 market for paraquat and paraquat products in the 17 United States; correct? 18 A. Yes, sir, that's correct. 19 Q. Okay. Let's go to group exhibit next 20 one. And this is No. 42. 21 (Patterson Deposition Exhibit 42 22 marked.) 23 MR. TILLERY: And if we could pull 24 up that index. 25 Q. (BY MR. TILLERY) Do you see this?

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Page 430 1 Do you see this, sir? 2 A. It's just opening up now. 3 Okay, I see it now. 4 Q. All right. Do you recognize this? 5 A. Yes, sir. 6 Q. So this is an index that was supplied 7 to you regarding a collection of six documents 8 from Chevron's files dated March 1976 through 9 July 1986 that relate to its formula label 10 submissions to the United States Environmental 11 Protection Agency; correct? 12 A. Yes, sir, that's correct. 13 Q. And if we go to page 2, the first 14 document. 15 For the record, this is 16 CUSA-00015091. 17 Do you see that? This is a 18 March 11, 1976 statement of composition filed with 19 the EPA; correct? 20 A. Yes, sir, that's correct. 21 Q. And would you agree that a statement 22 of composition is a document the registrant of a 23 product under FIFRA filed with the EPA that 24 provides a complete list of the ingredients in the 25 product, including what are sometimes called inert	Page 432 1 chronological list of Chevron's formula 2 submissions to the USDA and to the U.S. EPA from 3 April 1966 through the acceptance of its most 4 recent submissions in September 1984; correct? 5 A. Yes, sir, that's correct. 6 Q. All right. And if we go in that same 7 area to 20 and through 27. If you'd look at these 8 documents, she'll put them up in sequence for you 9 to look at. 10 If we can scroll through those 11 documents. 12 [Document review.] 13 Q. What I am looking at is this, and what 14 I'm showing you this for is for confirmation that 15 this is a summary document that is a log that 16 tracks the life of paraquat CL labeled as it 17 evolved from 1966 through 1986, isn't it? 18 A. Yes, sir, that's correct. 19 Q. Now, if we go to Exhibit 43? 20 (Patterson Deposition Exhibit 43 21 marked.) 22 A. It is now open on my screen. 23 Q. The lead page that we're looking at 24 right now is the index to this group exhibit, and 25 it's broadly referencing Chevron sales and
Page 431 1 ingredients. 2 A. Yes, sir, that's my understanding. 3 Q. Inert ingredients might include, for 4 example, defoaming agents, surfactants, or the 5 emetic in the paraquat products; right? 6 A. Yes, sir. 7 Q. So let's go to 5. And we're going to 8 look through 18. And this CUSA-000139117. 9 A. Yes, sir, I see it on the screen. 10 Q. Okay. That, and then we're going to 11 keep going forward with the documentation by page 12 for you to look at. 13 [Document review.] 14 A. Yes, sir. 15 Q. These documents include the complete 16 list of ingredients in, as well as other 17 information about Chevron's paraquat formulations 18 from about '77 to 1982, don't they? 19 A. Yes, sir, that was my understanding. 20 Q. Okay. Let's go to 19. And that would 21 be CUSA-00054477 at, if you wouldn't mind, pull up 22 4485. 23 Do you see this? 24 A. Yes, sir, I do. 25 Q. This is a November 21st, 1985	Page 433 1 profits; right? 2 A. Yes, sir, that's correct. 3 Q. So this is a collection of 14 4 documents from Chevron's files dating from '64 to 5 '85 that relate to Chevron's paraquat sales and 6 profits, isn't it? 7 A. Yes, sir, that's correct. 8 Q. And without going through all of these 9 documents one by one, broadly speaking, do these 10 documents deal with the subjects that include 11 estimates or forecasts of sales and profits, 12 historical sales and profits, and the potential 13 effect of competition or loss of the paraquat 14 business on sales and profits? 15 A. Yes, sir, that is correct. 16 Q. They appear authentic to you too, 17 don't they? 18 A. Yes, sir, they do. 19 Q. All right. Let's move on to 20 Exhibit 44. 21 (Patterson Deposition Exhibit 44 22 marked.) 23 THE WITNESS: It is now open. 24 Q. (BY MR. TILLERY) All right. And the 25 index there describes this as an ICI-Chevron

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Page 434 1 Relationship/Meetings. Is that what it says? 2 A. Yes, sir. 3 Q. All right. And there's a reference in 4 this plaintiffs' group exhibit we've marked as 5 Deposition Exhibit 44, the document in front of us 6 refers to it as Group Exhibit 7. 7 It's a collection of 88 documents 8 dating from 1965 to 1986 that memorialize or 9 otherwise relate to meetings about paraquat 10 between ICI and Chevron, doesn't it? 11 A. Yes, sir, that's correct. 12 Q. And usually just the two of them, but 13 in some cases with one or more third parties. Is 14 that an accurate description? 15 A. Yes, sir, I agree with that. 16 Q. All right. And you understand my 17 intention with this exhibit and with other group 18 exhibits that deal with the relationship that ICI 19 had with Chevron is not to identify every document 20 that existed, which would be in the thousands, but 21 to put before you the documents that reflect the 22 sense of that relationship and how it worked. Did 23 you understand that? 24 A. Yes, sir, I understand. 25 Q. And you understand that there's -- you	Page 436 1 research. All of that was shared according to 2 their venture they were involved in and also 3 because they intended to keep each other fully 4 informed about any development about the product; 5 correct? 6 MR. ORLET: Object to the form. 7 THE WITNESS: Yes, sir, that's my 8 understanding based on what I've reviewed. 9 MR. TILLERY: Okay. Let's go to 10 Exhibit 45. 11 I'm sorry, excuse me. Hold just a 12 second. 13 Go back to 44 for a second, 14 please. 15 Q. (BY MR. TILLERY) Let's look at No. 5. 16 And it's CUSA-00089435. And that's at 9667. 17 Let's take a look at that, please. 18 [Document review.] 19 Q. (BY MR. TILLERY) And this is a 20 July 29, 1965 letter from Chevron's director of 21 research and development to Dr. Creashey at Plant 22 Protection Limited, indicating that at PPL's 23 request -- and that's, you understand, is ICI; 24 right? 25 A. Yes, sir.
Page 435 1 went through in preparing for this deposition, the 2 documents that go on in an entire library of 3 relationship documents between these two 4 companies; correct? 5 A. Yes, sir, there's quite a few 6 documents. Hundreds and hundreds of documents. 7 Q. Right. Many, many, many more than 8 what we have here. That's the only point I'm 9 making. 10 So these are, if you'd go through, 11 just generally, and show the ladies and gentlemen 12 of the jury what we're talking about, and go 13 follow along with me. 14 And I'm not picking any particular 15 one, but we have, for example, the top is ICI -- 16 no, it's Chevron Chemical to ICI Re: Attending PQ, 17 or paraquat, research meetings. And then you see 18 minutes of meetings. You see other meetings and 19 suggested meeting agendas, and all of this. The 20 companies met to discuss and talk frequently about 21 the chemical, didn't they? 22 A. Yes, sir, they did. 23 Q. They shared science reports, they 24 shared science information, studies, information 25 about the chemical that they did by way of any	Page 437 1 Q. Chevron will be sending employees to 2 the United Kingdom to attend a paraquat research 3 meeting; right? 4 A. Yes, sir, that's what this letter 5 states. 6 Q. I'm using this as an example of the 7 relationship between the two companies. 8 Now, if we go to the next 9 document, page 6? And it's CUSA-00087289, and 10 this is going to be at 7373 and 7374. 11 If you'd look at this, this is a 12 summary of Chevron liaison meeting at Fernhurst, 13 November 16-17, 1966; correct? 14 A. Yes, sir, that's correct. 15 Q. Did the topics that were discussed at 16 that meeting include the USFDA, Food and Drug 17 Administration registration situation? 18 A. Yes, sir, they did. 19 Q. Did it include Chevron's 1966 paraquat 20 sales including the state and federal regulatory 21 approvals under which they were made? 22 A. Sir, if it's okay, I'm going to also 23 follow along with hard copies of the same 24 document. 25 Q. Oh, absolutely.

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Page 438 1 A. Okay. 2 Q. Feel free. If you have the hard 3 copies there, feel free to use them. 4 And, Dr. Patterson, you can do 5 that at any time throughout the deposition. No 6 problem. 7 A. Thank you, sir. 8 [Document review.] 9 A. Okay. I'm ready to continue. 10 Q. All right. Do you have a reference to 11 the specific document we're talking about? 12 A. Yes, sir. 13 Q. All right. Did the topics discussed 14 at that November 1966 meeting include Chevron's 15 1966 paraquat sales including the state and 16 federal regulatory approvals under which they were 17 made? 18 A. Yes, sir, that's correct. 19 Q. Did it include Chevron's paraquat 20 inventory and sales forecast for 1967, including 21 the anticipated approval by the FDA of new uses, 22 meaning additional crops? 23 A. Yes, sir, that's what the document 24 states. 25 Q. And did Chevron give a forecast of its	Page 440 1 increase sales, with the idea that both companies 2 might profit from this plan? 3 MR. ORLET: Object to the form. 4 MR. TILLERY: Third paragraph. 5 THE WITNESS: Oh, yes, sir. That 6 is what the letter states. 7 Q. (BY MR. TILLERY) That is what it 8 says. 9 A. That we'd meet again in three months 10 to see whether such a plan of development can be 11 adopted with profit to both companies. 12 Q. Right. And then let's go to 13, which 13 would be CUSA-00089793, and we're going to be 14 looking at 9801 through 9802. 15 A. Yes, sir, I'm ready. 16 Q. Okay. This is a Chevron internal memo 17 memorializing pricing negotiations in New York 18 City in November 1968. These were meetings 19 attended by various people from Chevron and ICI; 20 correct? 21 A. Yes, sir, that's correct. 22 Q. Does item one in this memo indicate 23 that PPL, or ICI, will send Chevron a check for 24 \$80,000 to assist in promoting paraquat for 25 no-till?
Page 439 1 paraquat sales for 1967 through 1971? 2 A. Yes, sir, that's correct. 3 Q. All right. If you'd go to 4 CUSA-00089793, we're going to pull that up on the 5 screen, and we're going to look at 9926 through 6 28. 7 Do you have that document in front 8 of you, sir? 9 A. Yes, sir, I do. 10 Q. All right. Does this document 11 reference a March 1968 letter from ICI to Chevron 12 memorializing a three-day meeting or three days of 13 meetings in February of 1968? 14 A. Yes, sir, that's correct. 15 Q. And as is stated in the letter, did 16 that meeting or those meetings include discussions 17 of anticipated sales volume at a regulated price 18 to consumers, in this case farmers and growers? 19 A. Yes, sir, that's correct. 20 Q. And did it also involve a discussion 21 of an agreement that Chevron would estimate the 22 cost of development work for new uses, and that 23 PPL -- in other words, ICI -- would consider 24 supplying paraquat at prices that would enable 25 Chevron to undertake their development in order to	Page 441 1 A. Yes, sir, that's correct. 2 Q. So that's the manufacturer of the 3 active ingredient sending a check to the 4 formulator in the United States to assist it in 5 underwriting a no-till program for paraquat; 6 right? 7 A. Yes, sir, that's my understanding 8 based on this memorandum. 9 Q. Okay. And look at item three. Item 10 three indicates the PPL -- again, that's ICI as it 11 later became Syngenta -- was offering to reduce 12 the price it charged Chevron for paraquat if 13 Chevron met certain targets of volume sales for 14 1970 through '74. Can you see that? 15 A. Yes, sir. 16 Q. Okay. Is that a fair read of that 17 document? 18 A. Yes, sir, it is. 19 Q. All right. Does the memo also 20 document a number of other discussions Chevron and 21 ICI had during those negotiations, including 22 discussion about Chevron's pricing to the consumer 23 at one of them? 24 A. Yes, sir, that's accurate. 25 Q. And also a holdup on the approval of

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Page 442 1 registration for weed control in dormant alfalfa 2 and a misunderstanding between Chevron and ICI 3 about some related residue tests in cows and milk; 4 right? 5 A. Sir, would you please repeat the 6 question? 7 Q. Absolutely. This memo also discusses 8 negotiations and discussions, and the discussions 9 included the holdup of the approval of 10 registration for weed control with dormant 11 alfalfa, and a misunderstanding between Chevron 12 and ICI about some related residue tests in cows 13 and milk? 14 A. Yes, sir, that's accurate. 15 Q. And if we go to 18, and that's 16 CUSA-00026251. And then we're going to look 17 specifically starting at 2629. 18 And just so we're clear on this 19 one, Plaintiffs Deposition Exhibit 44, this is a 20 November 10th, 1969 letter from ICI, it says 21 Jealott's Hill, to Mr. R.D. Wessel, Manager, 22 Research & Development, Chevron Chemical 23 Corporation, Ortho Division. And it's enclosing 24 copies of the minutes of a recent meeting about 25 experiments involving paraquat in soil; correct?	Page 444 1 in the form of probably up to 40 percent of 2 Chevron's cost of hiring additional paraquat sales 3 and technical representatives; correct? 4 A. Yes, sir, that's what it states in 5 No. 1. 6 Q. The memo also includes a 7 recommendation that PPL or ICI be asked to 8 contribute to Chevron's paraquat advertising 9 costs; right? 10 A. Yes, sir, that's what it states. 11 Q. Do you know whether or not Chevron 12 did -- or ICI did that? 13 A. Sir, I would need to consult the 14 documents to confirm whether that occurred. 15 Q. You don't know from the research 16 you've done up to this date? 17 A. No, sir, I would need to confirm by 18 reviewing the documents. 19 Q. In the review of documents that you've 20 done up to this date, have you ever seen evidence 21 that they didn't do that? 22 In other words, there was a 23 rejection of that? 24 A. No, sir, I don't recall seeing that. 25 Q. Okay. Now let's go to page 30 of that
Page 443 1 MR. ORLET: The letter is dated 2 the 4th. 3 MR. TILLERY: I'm sorry, I didn't 4 hear you, Joe. 5 MR. ORLET: The letter is dated 6 the 4th, actually. 7 MR. TILLERY: Okay, the 4th. 8 Excuse me, sir. Thanks for the correction. 9 November 4th. 10 THE WITNESS: Yes, sir, that's 11 correct. 12 Q. (BY MR. TILLERY) And if we move to 13 27, page 27 of that document, and that's at 9633, 14 and -- through 9635. 15 [Document review.] 16 A. Sorry, sir, what was the CUSA number 17 on this one? 18 Q. 889435. 19 A. I'm ready. 20 Q. This is an August 1972 Chevron 21 internal memo about a recent meeting with ICI 22 marketing representatives, isn't it? 23 A. Yes, sir, it is. 24 Q. Yeah, among other things, this memo 25 notes that ICI was willing to provide assistance	Page 445 1 group exhibit. And this is CUSA-89435. We're 2 looking at specifically 9539 through 9548. 3 [Document review.] 4 A. Okay, I'm ready. 5 Q. These are minutes of February 25 6 through 26, 1974 meeting between ICI and Chevron 7 in Richmond, California; correct? 8 A. Yes, sir, that's correct. 9 Q. The formulation plant for paraquat 10 products was in California, wasn't it? 11 A. Yes, sir, Richmond, California. 12 Q. Okay. And was it there throughout the 13 time period that Chevron was involved in the 14 formulation, sale, and distribution of paraquat? 15 A. Yes, sir, that's my understanding. 16 Q. And when ICI started -- ICI Americas 17 started selling their products in 1982, did their 18 formulated products come from that same plant 19 until Chevron got out of the business? 20 A. Yes, sir, that's my understanding. 21 Q. Okay. So to your knowledge was there 22 any formulator in the United States of paraquat 23 products from the beginning of sales in 1965 until 24 Chevron got out of the business in the fall of 25 1986?

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Page 446 1 A. To my knowledge in reviewing these 2 documents I didn't see anything, but I would have 3 to go through everything to make sure. 4 Q. You've never seen any evidence of any 5 other product formulator of paraquat products? 6 And by that I mean to exclude people who might 7 have bought your product and included it along 8 with their products along the lines you talked 9 about. Do you understand what I'm saying? 10 A. Yes, sir, I do, and that is my 11 understanding. 12 Q. Okay. All right. 13 Now, after Chevron got out of the 14 business of formulating and distributing paraquat 15 products, ICI Americas, or ICI, continued in the 16 business in the United States. Do you know that 17 one way or another? 18 A. Yes, that is my understanding. 19 Q. And who formulated their products? 20 A. I don't recall seeing that in the 21 documents. 22 Q. Do you know where they were formulated 23 after 1986 when Chevron got out of the paraquat 24 business? 25 A. No, sir, I don't recall seeing that in	Page 448 1 paraquat by the California State Public Health 2 Department; right? 3 A. Yes, sir, that's correct. 4 Q. If you go to page 36 of that group 5 exhibit. We're in Plaintiffs' Deposition 6 Exhibit 44. This is CUSA-00089545. If you'd look 7 at that, please. 8 A. Yes, sir. 9 Q. Do you see the sentence that says: 10 Thus this label change? 11 A. Yes, sir. 12 Q. Could you read that and the next 13 paragraph into the record? 14 A. Yes, sir. Thus this label change is 15 primarily to show good faith and morale, 16 obligation on the part of -- 17 Q. So "moral," isn't it? 18 A. Yes, I apologize. Good faith and 19 moral obligation on the part of Chevron to obtain 20 further protection for the sprayers. By changing 21 the label Chevron is attempting to avoid the total 22 cancellation of Paraquat within the State of 23 California. It should be noted that the problem 24 is primarily emotional. 25 And the next paragraph?
Page 447 1 the documents I reviewed. 2 Q. Okay. So let's go back to that 3 February 25th and 26th, 1974 meeting that is 4 referenced by what is being illustrated here and 5 displayed on the screen. Okay? 6 Among the subjects involving 7 paraquat that were discussed at the meeting were a 8 50-part-per-million tolerance on dormant alfalfa 9 that was expected to open up extensive new markets 10 for paraquat; right? 11 [Document review.] 12 A. Yes, sir, that's correct. 13 Q. A temporary tolerance for the use of 14 paraquat as a sunflower harvest aid and tolerance 15 relating to use as a grain sorghum harvest aid, on 16 pecans, and as a feed additive. Were those also 17 discussed? 18 A. Yes, sir, that's correct. 19 Q. And there was discussion of pending 20 registrations for tank mixes and field research 21 and progress related to potential new uses; right? 22 A. Yes, sir, that's correct. 23 Q. And there was a discussion of 24 precautionary label revisions proposed by Chevron 25 in response to a statement about the safety of	Page 449 1 Q. Yes. That one too? 2 A. In reviewing the label ICI felt that 3 there may have been something of an overreaction 4 on Chevron's part. Their main contention is with 5 the statement that symptoms of injuries may be 6 delayed. ICI also questioned the actual need for 7 goggles and respiratory statements on the label. 8 From their experience in Europe, this was not 9 necessary in their estimation. It is suggested 10 that this be discussed tomorrow with the 11 possibility of sending it to PPL and IHRL for 12 further discussion. 13 Q. Okay, back to the topics discussed at 14 the meeting. They also included a drift problem 15 discussion, worker reentry into the fields, 16 stenching the product, wetting agents, high rate 17 trials, and new uses for paraquat on pine trees 18 and glyphosate. Is that all correct? 19 A. Yes, sir, that's correct. 20 Q. And finally, the last page of that 21 document, if you'd take a peek at it. Notes that 22 a further meeting was held on February 27, in 23 which ICI Chevron personal met with SOCAL -- 24 S-O-C-A-L -- toxicologists to review the Paraquat 25 label changes; correct?

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Page 450 1 A. Yes, sir. 2 Q. Is that Standard Oil of California? 3 A. That's my understanding. 4 Q. Were the SOCAL toxicologists referred 5 to here the same group that did the toxicology 6 work of the Chevron's Ortho Division? 7 MR. ORLET: Object to the form. 8 THE WITNESS: That is my 9 understanding. 10 Q. (BY MR. TILLERY) All right. And the 11 Chevron Ortho Division was the division that sold 12 product -- sold -- strike that. 13 And the Chevron's ortho division 14 was the Division that sold paraquat, wasn't it? 15 A. Yes, sir, that's correct. 16 Q. Okay. Let's go to page 42 of that 17 group exhibit. We're still on Plaintiffs' 18 Deposition Exhibit 44. This is CUSA-0089435. 19 We're looking specifically at 9525. 20 A. I'm ready. 21 Q. Okay. Is the document a March 1974 22 Chevron meeting report about a March 29th -- or 23 28-29 meeting to discuss proposed label changes 24 for paraquat that would be acceptable to research, 25 marketing, legal, and ICI?	Page 452 1 The meeting agenda was proposed 2 agenda, copy attached, discussed, agreed upon. 3 That's what's attached to the document. Okay? 4 And if we look at 59 through 64. 5 And this is CUSA-00089435. And that's at 440 and 6 441. 7 [Document review.] 8 A. I'm sorry, sir, what page number was 9 that? 10 Q. 59 through 64. And this would be 11 CUSA-89435. 12 A. Yes, sir, I'm ready. 13 Q. All right. These questions -- strike 14 that. 15 These documents are memos and 16 reports memorializing meetings between Chevron and 17 ICI in June 1974 at ICI in Fernhurst; correct? 18 A. Yes, sir, that's correct. 19 Q. If you look at 59, that's CUSA 20 number at last four digits 9440. And please read 21 from the conclusions of the meeting through the 22 end of the first item. 23 A. No. 1: The two companies are aware of 24 the need for a fall-back position in the event of 25 pressures on the present liquid paraquat
Page 451 1 A. Yes, sir, those are the topics 2 discussed in this letter, in this summary. 3 Q. Representatives of ICI, Chevron, of 4 Standard Oil of California, IBP, and legal were 5 present for the meeting; right? 6 A. Yes, sir, that's correct. 7 Q. So let's look at this cast of folks. 8 We have ICI had Fletcher, Jenkins, 9 Schumacher; correct? 10 A. Yes, sir, that's correct. 11 Q. Chevron had Hopkins, Kamienski, Lewis, 12 Ospenson, Searle, Stelzer, Tanner? 13 And Standard Oil of California had 14 Cavalli. 15 IBT -- what's IBT stand for? 16 A. So IBT is a contract research 17 organization. It's an animal testing facility. I 18 believe it stands for Industrial Biotech 19 Technology. 20 Q. Okay. Do they have a doctor, or a 21 person named F. Konoshita; right? 22 A. Yes, sir. 23 Q. And there was even a lawyer there -- 24 A. That's right. 25 Q. -- correct?	Page 453 1 formulations getting out of hand. Such fall-back 2 positions would be availability of a solid 3 product -- that was (a) -- (b) product dilution; 4 (c) replacement where possible by diquat. 5 Work should continue on examining 6 the implications of these. 7 Q. Okay. Does that document also 8 indicate that ICI and Chevron discussed the 9 pressure further paraquat accidents will bring, 10 Chevron's procedure for obtaining and recording 11 accident data, the value of press briefings, and 12 the pressure on Chevron from state toxicologists 13 and regional EPA officials? 14 MR. ORLET: Object to the form. 15 Q. (BY MR. TILLERY) If you look, that's 16 at 60. Page 60. 17 A. I guess No. 7 in that document states 18 that there is pressure coming from regional 19 officials, in contrast, I believe, to the federal. 20 And two people -- two groups of people can be 21 cited in particular, namely State Toxicologists of 22 the Department of Agriculture and EPA Regional 23 Administrators. 24 Q. Were those discussions related in part 25 to poisonings caused to people ingesting paraquat?

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Page 454 1 MR. ORLET: Object to the form. 2 THE WITNESS: Sir, the document 3 doesn't specify that background about what 4 specifically they were referring to and why they 5 were referring to -- 6 Q. (BY MR. TILLERY) It does say 7 pressure -- further mentions or references 8 pressure from further paraquat accidents; right? 9 A. Yes, sir, it does. 10 Q. Okay. And there's a reference here to 11 replacement where possible by diquat. Was that 12 another product that ICI had available at that 13 time? 14 A. Yes, sir, that was my understanding. 15 Q. Finally, on that same page, if you'd 16 look on page 60, the document notes that ICI and 17 Chevron, quote: Agreed that there should be 18 continuing close consultation on proposals to 19 change precautionary material on labels, end 20 quote; is that correct? 21 A. I'm sorry, what number was that, sir? 22 Q. At page 60 at the bottom. 8. 23 Do you see it, No. 8. It was 24 agreed that there should be continuing close 25 consultation on proposals to change precautionary	Page 456 1 A. Yes, sir, they are. 2 Q. All right. Let's go to page 76. And 3 that's Chevron 3637 through 3640. 4 This is a July 18, 1975 document, 5 and it's entitled Chevron Chemical Company Ortho 6 Division, and it's trip report of May 1975: 7 Purpose of the report is to summarize the 8 discussion held with PPD during May 1975 relative 9 to various subject matters dealing with Diquat and 10 Paraquat development; right? 11 A. Yes, sir, that's correct. 12 Q. Does the report note that ICI and 13 Chevron have agreed to a modified format for their 14 routine scheduled liaison meetings? 15 A. Yes, sir. 16 Q. And among other topics, the report 17 memorializes discussions of new formulations of 18 paraquat, including stench formulations, colored 19 formulations, and solid formulations; right? 20 A. I see stench formulations and 21 colored formulations and solid formulations, yes, 22 sir. 23 Q. And those were being considered for 24 development in response to the paraquat poisoning 25 problem, weren't they?
Page 455 1 material on labels. Do you see that? 2 A. Yes, sir, that's correct. 3 Q. Now, let's to go 62. And that's 4 CUSA-89435, and we're at page 9443. 5 A. I'm ready. 6 Q. All right. This next document relates 7 to what transpired at a meeting that was focused 8 specifically on paraquat fatalities; correct? 9 A. Yes, sir, that's correct. 10 Q. If you go to 63 and 64, the last of 11 the three documents, recounts discussions at 12 meetings on the subjects of technical exchange 13 between the companies, the exchange of information 14 about new uses of paraquat and diquat, the 15 potential use by Chevron of ICI's expertise in 16 public relations, a request ICI made and Chevron 17 rejected that ICI be identified on the label as 18 the inventor or manufacturer of paraquat, the 19 supply and pricing of paraquat to Chevron, and 20 potential plant expansion by ICI. 21 Do you see that? 22 A. Yes, sir, I see that. 23 Q. Is all of the thing -- are all of the 24 things I said accurate reflection of that meeting 25 and those discussions?	Page 457 1 MR. ORLET: Object to the form. 2 THE WITNESS: Yes, sir, they 3 were -- they were related to ensuring that 4 paraquat could easier -- more easily be identified 5 to prevent accidental ingestion. 6 Q. (BY MR. TILLERY) Right. Under the 7 heading Paraquat - Toxicological Studies? 8 A. Yes, sir. 9 Q. Have you got that? 10 A. Yes, sir. 11 Q. Does it memorialize a discussion of 12 first-aid treatment, again in relation to 13 poisonings and a discussion of Chevron's decision 14 not to proceed with registration of a formulation 15 containing wetting agents? 16 I think if you look at the screen, 17 I think that's up there, too. 18 A. Yes, sir, I finished reading. That is 19 accurate. 20 Q. Now, if you wouldn't mind, do you see 21 on the screen, before the end of the letter, or 22 summary, the paragraph that says We informed. 23 Would you read that into the record for the court 24 and jury? 25 A. Yes, sir.

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Page 458 1 We informed PPD that we did not 2 choose to proceed with the registration of the 3 paraquat formulation containing wetting agents. 4 This was based primarily upon the toxicology data 5 available for rate of absorption of paraquat in 6 dogs which would indicate that the use of a 7 formulation including wetting agent is 8 contraindicated in view of our attempt to minimize 9 toxicity effects by decreasing the rate of 10 absorption. 11 Q. What does contraindicated mean? 12 A. So it would mean that it would go 13 against or oppose. 14 Q. It means that it was not established; 15 correct? It went the other direction, right? 16 A. Went another direction, yes. 17 Q. Now, at pages 81 and 84. 18 A. Yes, sir, I'm ready. 19 Q. So there is an October 1975 cover 20 letter, October 20th, and minutes of meetings held 21 that month at Fernhurst regarding the same 22 meeting. And these are prepared by ICI; correct? 23 A. Yes, sir, that's correct. 24 Q. Did the subjects discussed in that 25 meeting include: A Chevron proposal to carry out	Page 460 1 A. Sir, I understand that to mean that 2 the EPA would evaluate that toxicity and similar 3 information related to a chemical and determine 4 whether or not the existing data was sufficient or 5 if additional data was required to ensure that the 6 risk of a chemical was an advantage. 7 Q. And did you understand what was 8 causing the problem at that point? Why it was 9 being put or considered to being put on a 10 rebuttable presumption against further 11 registration, did you understand what it was? 12 A. Sir, I don't recall coming across a 13 specific reason from the EPA about why paraquat 14 was being considered. 15 Q. For being banned; right? 16 A. Right. 17 Q. Did you understand that the poisonings 18 that were going on throughout the country were 19 causing problems regarding the continued usage of 20 the chemical? 21 MR. ORLET: Object to the form. 22 THE WITNESS: Yes, sir, I do 23 understand that there was a concern from 24 regulatory agencies about the poisonings due to 25 misuse, for example suicide attempts from
Page 459 1 a trials programme in 1976 to provide sufficient 2 information for registration submission in the 3 event of a threatened ban on liquid formulations 4 of paraquat? 5 A. Yes, sir, that's what the first 6 paragraph states. 7 Q. Right. Did it also include a formal 8 two-year registration program leading to the 9 introduction in the United States of a formulation 10 of paraquat stented with n-Valeric acid? That's 11 at 82. 12 Do you see that? 13 A. Yes, sir. 14 Q. Did their meetings also include a 15 reference to the possibility that paraquat would 16 be put on the EPA's list of pesticides subject to 17 a rebuttable presumption against registration? 18 A. Yes, sir, that's correct. 19 Q. What do you think that is? 20 A. Sir, what do I think that what the 21 rebuttable presumption is? 22 Q. Yeah, what is -- what was the EPA's 23 list of pesticides when they're put on a 24 rebuttable presumption list against registration, 25 what do you understand that to mean?	Page 461 1 paraquat. 2 Q. (BY MR. TILLERY) Or accidental 3 ingestion from drinking it from some container 4 accidentally; right? 5 A. Yes, sir. 6 Q. All right. Now, did that summary of 7 subjects that were involved in that meeting also 8 include ICI's desire that a solid paraquat 9 formulation not be marked -- manufactured or 10 marketed anywhere unless it was absolutely 11 necessary to keep paraquat on the market, and 12 Chevron's agreement with that position? 13 A. Sir, can you point me to the 14 paragraph? 15 Q. I'm looking at 83. 16 Look at the very top of 83, 17 please. First sentence. 18 A. Yes, sir. I agree, that's -- that's 19 what this says. 20 Q. It says that ICI's desire that a solid 21 paraquat formulation not be manufactured or 22 marketed anywhere unless it was absolutely 23 necessary to keep paraquat on the market. Do you 24 agree with that now? 25 A. Yes, sir, I do.

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Page 462 1 Q. All right. And do the minutes 2 conclude with the list of agreed action items? 3 A. Yes, sir, that's correct. 4 Q. All right. 5 Did you happen to notice in 6 reviewing Plaintiffs' Group Exhibit 7 -- I think 7 that's Exhibit 44 -- that from 1975 on there are 8 minutes of what were in fact routine-scheduled ICI 9 Chevron liaison meetings referred to in the 10 May 1975 trip report? Did you notice that? 11 A. Yes, sir, I noticed that. Yeah, 12 frequent meetings, scheduled meetings, I believe 13 they were twice a year. 14 Q. Did you notice in reviewing that same 15 exhibit that in addition to the routine-scheduled 16 ICI/Chevron liaison meetings, as and when issues 17 arose where personal consultation was necessary or 18 beneficial, there were ad hoc or impromptu 19 meetings between Chevron and ICI employees, 20 sometimes at Chevron, sometimes at ICI, and other 21 times at other places with third parties such as 22 the EPA or collaborators, for example, in exposure 23 studies in California? Did you notice that? 24 A. Yes, sir, that is accurate. 25 Q. Okay. So far we've covered ten Page 463 1 documents in this exhibit, that span the period 2 from July 1965 through October 1975. And we're at 3 page 84 of 563 pages in this group exhibit. 4 Based on your review of the 5 remaining documents in the exhibit, do you agree 6 that the specific documents we've discussed so far 7 have covered most of the types of topics that came 8 up in the meetings before 1975 that we didn't 9 discuss and meetings that occurred after that 10 meeting in October '75 described in the document 11 we just went through? 12 MR. ORLET: Object to the 13 document. 14 THE WITNESS: Yes, I think that's 15 mostly a fair statement. 16 Q. (BY MR. TILLERY) Do you recall from 17 your review that in addition to the topics that 18 we've seen, there are documents in Group 19 Exhibit 7 -- that's Plaintiffs' Deposition 20 Exhibit 44 -- about meetings like sharing the cost 21 of toxicological studies? Would that be one? 22 A. Yes, sir. 23 Q. Protocols to be used in various types 24 of studies including toxicology, exposure, and 25 epidemiology? Would that be another?	Page 464 1 A. Yes, sir, most likely in Group 7. If 2 not, then in some of the other exhibits for sure. 3 Q. Okay. The status of matters before or 4 of concern to the EPA and California regulators 5 and the positions to take with them on those 6 matters? 7 A. Yes, sir. Again, in Group 7 and other 8 documents as well. 9 Q. Okay. Before we move on, I'll bring 10 your attention and note for the record that 11 there's a document in plaintiffs' grouping 7 12 that's out of order and misidentified in the index 13 and bookmarks. It's at page 149, and that's 14 CUSA-00087289. And that's at 7336 through 7343. 15 And the date in the index and bookmarks should be 16 March 17, 1966 not March 17, 1976. That was an 17 error. Okay? 18 A. Yes, sir. 19 Q. Okay. Let's go on to Exhibit 45. 20 MR. ORLET: Sir, would you be okay 21 if we took about 20- to 25-minute break so I can 22 eat lunch? It's just after noon here. 23 MR. TILLERY: Absolutely. Of 24 course. Just let us know. 25 THE WITNESS: So how about we Page 465 1 resume at 30 after the hour? 2 MR. TILLERY: Yes, sir. We will. 3 MR. ORLET: Would that be okay? 4 MR. TILLERY: Yes, sir. 5 MR. ORLET: Okay. Thank you. 6 THE VIDEOGRAPHER: Going off the 7 record. The time is 12:06 p.m. 8 (Recess taken, 12:06 p.m. to 9 12:45 p.m. PDT) 10 THE VIDEOGRAPHER: We are going 11 back on the record. The time is 12:45 p.m. 12 Q. (BY MR. TILLERY) Sir, the next 13 exhibit is Plaintiffs' Deposition Exhibit No. 45. 14 And if we can pull that up, the index. 15 (Patterson Deposition Exhibit 45 16 marked.) 17 THE WITNESS: Yes, sir. 18 Q. (BY MR. TILLERY) And you have your 19 hard copy there as well, for reference; correct? 20 A. Yes, sir. 21 Q. And this is index to Plaintiffs' Group 22 Exhibit 8A, which is Deposition Exhibit No. 45. 23 And this is ICI Chevron 24 Relationship-Health & Safety. And it's dated from 25 1962 to 1969; correct?
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Page 466 1 A. Yes, sir, that's correct. 2 Q. And this is part of a group of four 3 parts, and the first it's 8A and then it goes 4 through 8D. And what you have I think is 8A in 5 front of you. And is this a collection of 36 6 documents that span that seven-year period of time 7 from 1962 to 1969? 8 A. Yes, sir, that's correct. 9 Q. And let's go, if we can, to 10 Exhibit 46. 11 (Patterson Deposition Exhibit 46 12 marked.) 13 THE WITNESS: It's loaded. 14 Q. (BY MR. TILLERY) This is a 15 Plaintiffs' Group Exhibit 8B, which is marked 16 Plaintiffs' Deposition Exhibit 46. 17 And it's a collection of 52 18 documents that span from 1970, 8A leaves off, and 19 goes to 1975; correct? 20 A. Yes, sir, that's correct. 21 Q. And this is the ICI Chevron 22 relationship relating to, in broad terms, health 23 and safety topics; correct? 24 A. Yes, sir, that's correct. 25 Q. All right. Let's go to 47.	Page 468 1 marked Deposition Exhibit 48 in sequence. 2 THE WITNESS: Loaded. 3 Q. (BY MR. TILLERY) And here is an index 4 to the ICI/Chevron relationship on general health 5 and safety terms from 1980 to 1986; correct? 6 A. Yes, sir, that's correct. 7 Q. And this is 77 more documents that 8 span this time period; right? 9 A. Yes, sir. 10 Q. Okay. Now based upon your review of 11 those documents, do the documents in Plaintiffs' 12 Chevron Exhibits 8A through 8D consist mostly of 13 communications between ICI and Chevron, along with 14 lesser numbers of Chevron internal communications, 15 communications involving ICI, Chevron, and third 16 parties like contract labs, the EPA, and state 17 regulators; and ICI documents like reports of 18 studies done by or for ICI or internal ICI reports 19 that Chevron produced from its files? 20 Is that a fair assessment of 21 what's in those documents? 22 A. Yes, sir, it is. 23 Q. All right. Broadly speaking, to all 24 of the documents in Plaintiffs's Chevron Group 25 Exhibits 8A through 8D, which would be
Page 467 1 (Patterson Deposition Exhibit 47 2 marked.) 3 THE WITNESS: Loaded. 4 Q. (BY MR. TILLERY) And here we have the 5 group exhibit was sent to you as Exhibit 8C. It's 6 marked here in this deposition as Plaintiffs' 7 Deposition Exhibit 47. 8 And here we see on the screen, the 9 index, and it says -- it's an index to the ICI 10 Chevron relationship, in general terms, health and 11 safety issues. And that ranges from 1976 to 1979, 12 doesn't it? 13 A. Yes, sir, that's correct. 14 Q. All right. Now let's go to No. 48 -- 15 excuse me, before we go forward, I didn't mention, 16 is 8C a collection of 120 documents? In that 17 index? 18 THE WITNESS: Approximately. It 19 seems about right. I didn't count them. 20 MR. TILLERY: All right. Now 21 let's to go 48. 22 (Patterson Deposition Exhibit 48 23 marked.) 24 MR. TILLERY: And this is 25 Plaintiffs Chevron Group Exhibit 8D, which will be	Page 469 1 correspondingly Plaintiffs' Deposition Exhibits 2 45, 46, 47, and 48, relate to the topic of 3 paraquat safety and health effects? 4 A. Yes, sir, that's accurate. 5 Q. Okay. Now, I want to get more 6 specific than that without spending a lot of time 7 on it. So to that end, I'm going to read you, one 8 by one, a list in no particular order of more 9 specific topics that fall within the broader topic 10 of paraquat health and safety issues. And my 11 general recurring question, for each topic, is 12 whether Plaintiffs' Exhibits 45 through 48 contain 13 documents related to that topic. If so, if you 14 can answer yes, and if not, tell me no. 15 Do you understand how we're going 16 to try and do this? What I'm trying to do is 17 avoid making this tedious and lengthy beyond what 18 it needs to be. Do you understand, sir? 19 A. Yes, sir. 20 Q. And if you need to take a look at any 21 of the documents to reconfirm, I'm happy to pause 22 and let you do that. There's no problem 23 whatsoever. Okay? 24 I'll make this a little more 25 explicit for the first topic, so we'll -- so we'll

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Page 470 1 know we're on the same page. The topic is the 2 effect of paraquat or ingredients used to make -- 3 to make it or buy products of making paraquat on 4 workers in plants where paraquat is made. 5 Does Plaintiffs' Chevron Group 6 Exhibits 45 through 48 contain documents related 7 to that topic in some way? 8 MR. ORLET: Objection to the form. 9 THE WITNESS: Yes, sir, it does 10 contain multiple documents relating to exposure 11 assessments at the formulation plants. 12 Would you please clarify if you 13 said manufacturing or formulation? 14 Q. (BY MR. TILLERY) Either one is fine. 15 It wasn't designed for any specific reference. 16 It's merely to confirm the subtotal of these 17 documents in general terms. Either one. Okay? 18 All right. 19 And the next topic is the effects 20 of repeated dermal exposure to paraquat. 21 A. Yes, sir, information is available in 22 there about dermal exposure. 23 Q. Another is toxicology studies in 24 animals. 25 A. Yes, sir.	Page 472 1 A. Yes, sir. 2 Q. The allocation of responsibility for 3 work on paraquat toxicology between ICI and 4 Chevron. 5 A. I'm sorry, would you repeat the 6 question? You cut out at the beginning. 7 Q. Of course. 8 The allocation of responsibility 9 for work on paraquat toxicology between ICI and 10 Chevron. 11 MR. ORLET: Object to the form. 12 THE WITNESS: Sir, they talk about 13 the cost allocation and then also about the 14 relationship in terms of data sharing and 15 evaluation of protocols, and so I would agree. 16 Q. (BY MR. TILLERY) And paraquat 17 toxicity in relation to poisonings. 18 A. Yes, sir. 19 Q. Paraquat toxicity generally. 20 A. Yes, sir. 21 Q. Soil and relation toxicity. 22 Strike that. Soil inhalation 23 toxicity. 24 A. Yes, sir. 25 Q. Paraquat residues in soil.
Page 471 1 Q. And another is dermal exposure 2 studies. 3 A. Yes, sir. 4 Q. And the fate of paraquat in soil. 5 A. Yes, sir. 6 Q. The exposure of spray operators to 7 paraquat and the hazards of that exposure. 8 A. Yes, sir. 9 Q. The hazards presented by dust from 10 soil after paraquat has been applied? 11 A. Yes, sir. 12 Q. The human exposure experience 13 information for the USDA? 14 A. Sir, I might need to consult the 15 documents real briefly. I believe that was 16 present, but I would need to go back. 17 Q. Do you know what I'll do? Do you know 18 what I'll do, if you don't mind, is mark it and 19 then at the end we'll go back, follow up at the 20 same time. So we can avoid delaying on each one. 21 So I'll mark that and we'll come back to it. 22 The adverse effects of exposure to 23 paraquat generally. 24 A. Yes, sir. 25 Q. Paraquat exposure studies.	Page 473 1 A. Yes, sir. 2 Q. Paraquat animal metabolism. 3 A. Yes, sir. 4 Q. Emetic studies. 5 A. Yes, sir. 6 Q. The distribution of paraquat in animal 7 tissues. 8 A. Yes, sir. 9 Q. Potential remedies for and the 10 treatment of paraquat poisoning. 11 A. Yes, sir. 12 Q. The effect of wetting agents or 13 surfactants on paraquat-spray droplet size and 14 inhalation toxicity. 15 A. Yes, sir, I believe that's discussed. 16 Q. Air sampling methods. 17 A. Yes, sir. 18 Q. Paraquat poisoning fatalities and 19 survivors. 20 A. Yes, sir. 21 Q. The effect of surfactants on paraquat 22 toxicity? 23 A. Yes, sir. 24 Q. The distribution of paraquat in the 25 organs of persons who died from ingesting it.

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1 A. Yes, sir. 2 Q. Paraquat exposure incidents. 3 A. Yes, sir. 4 Q. Paraquat spray toxicity. 5 A. Yes, sir. 6 Q. The development of safer paraquat 7 formulations. 8 A. Yes, sir. 9 Q. The effects of chronic exposure to 10 paraquat. 11 A. Yes, sir. 12 Q. The relevance of free radical 13 formation in paraquat toxicity. 14 A. Yes, sir. 15 Q. Spray drift. 16 A. Yes, sir. 17 Q. Whether or in what circumstances to 18 perform certain toxicology studies. 19 A. Yes, sir. 20 Q. The exposure of formulation workers to 21 paraquat. 22 A. Yes, sir. 23 Q. Aerial spray exposure studies. 24 A. Yes, sir. 25 Q. Whether to extend an animal study and	1 certain studies, did you answer that one? 2 A. No, I didn't. Yes, sir. 3 Q. Draft study reports exchanged for 4 review, edits, and comments? 5 A. Yes, sir. 6 Q. The decision to publish or not publish 7 certain studies and papers? 8 A. Yes, sir. 9 Q. Okay, let's go to the next -- this 10 will be Plaintiffs' Deposition Exhibit 49. 11 (Patterson Deposition Exhibit 49 12 marked.) 13 THE WITNESS: Loaded. 14 Q. (BY MR. TILLERY) Okay. This is the 15 index we're seeing here to the ICI-Chevron 16 cost-sharing summary; right? 17 A. Yes, sir. 18 Q. And this is a collection of 47 19 documents that spans the years from 1965 through 20 1985; correct? 21 A. Yes, sir. 22 Q. And broadly speaking, this exhibit 23 consists of documents that relate to the costs of 24 studies of the various types involving paraquat 25 that ICI and Chevron performed or hired outside
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1 the proper endpoint to use. 2 A. I'm sorry, would you please clarify 3 the proper endpoint to use? 4 Q. In other words, what is the 5 physiological measure that the study is looking at 6 in terms of an assessment. In a study protocol. 7 A. Yes, sir, I agree. 8 Q. Okay. Bibliographies of the studies 9 that each company had. 10 A. Yes, sir. 11 Q. The actions to be taken on certain 12 studies. 13 A. Sir, I apologize. Going back to the 14 last question. 15 Q. Yes. 16 A. I would need to clarify in the 17 documents whether I've seen a full bibliography 18 from ICI on their studies. I don't recall -- I'm 19 sure you're aware, Chevron has provided 20 multiple -- in the documents, Chevron provided 21 multiple lists of the available studies, and the 22 studies they used, for example, in registration. 23 I don't recall seeing such a document that ICI 24 provided. 25 Q. Okay. The actions to be taken on	1 labs to perform and how those costs were shared 2 between ICI and Chevron; right? 3 MR. ORLET: Object to the form. 4 THE WITNESS: I'm sorry, would you 5 please repeat the question? 6 Q. (BY MR. TILLERY) Absolutely. Just 7 broadly speaking, this exhibit consists of 8 documents that relate to the costs of the studies 9 and the various types of studies involving 10 paraquat that ICI and Chevron performed or hired 11 outside labs to perform, and how those costs were 12 shared between ICI and Chevron? 13 MR. ORLET: Object to the form. 14 THE WITNESS: Yes, it does contain 15 that, as well as the -- related to the costs that 16 would have the distribution, so who was paying for 17 what, yes. 18 MR. TILLERY: Right. Okay. Let's 19 go to 50. 20 (Patterson Deposition Exhibit 50 21 marked.) 22 THE WITNESS: Loaded. 23 Q. (BY MR. TILLERY) And this is another 24 of the group exhibits which is broken into parts 25 based upon the time periods encompassed within the

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Page 478 1 group. And the first, which is Plaintiffs' 2 Deposition Exhibit No. 50, is a document that 3 relates to ICI/Chevron relationship on 4 registration covering the period 1962 through 5 1969; right? 6 A. Yes, sir, that's correct. 7 Q. And it consists of 29 documents that 8 span that time period; correct? 9 A. Yes, sir. 10 Q. And if we look at 51. 11 (Patterson Deposition Exhibit 51 12 marked.) 13 THE WITNESS: Loaded. 14 Q. (BY MR. TILLERY) Okay. 51 is the 15 same subject matter. We see here the index on the 16 display. It's Group Exhibit 10B, which we've 17 marked for Plaintiffs' Deposition Exhibit No. 51. 18 And this is an index of documents 19 for the ICI/Chevron relationship pertaining to 20 registration between 1970 and 1975; right? 21 A. Yes, sir. 22 Q. It consists of 28 documents that span 23 that time period. 24 A. Yes, sir. 25 MR. TILLERY: All right. Let's go	Page 480 1 Q. All right. And if we go to the last 2 in this four-part piece on registration, that's 3 Exhibit 53. 4 (Patterson Deposition Exhibit 53 5 marked.) 6 THE WITNESS: Loaded. 7 Q. (BY MR. TILLERY) Exhibit No. 53 is 8 another group exhibit. You have the index on the 9 display. This is a registration subject matter 10 involving the relationship between ICI and Chevron 11 during the period of time from 1980 to 1986; 12 correct? 13 A. Yes, sir. 14 Q. And it consists of 39 documents during 15 that time period; right? 16 A. Yes, sir. 17 Q. And as we indicated, this doesn't mean 18 that that's all the documents we have. It means 19 these are just sort of representative of the 20 documents that you would find if you went in and 21 looked at the vast library of documents you have 22 regarding this relationship. Would that be a fair 23 statement? 24 A. Yes, sir. 25 Q. All right.
Page 479 1 on to Exhibit 52. 2 (Patterson Deposition Exhibit 52 3 marked.) 4 THE WITNESS: Loaded. 5 Q. (BY MR. TILLERY) All right. And 6 Plaintiffs' Deposition Exhibit 52 is a group of 7 documents consisting of 81 documents that span the 8 period from 1970 to 1975, involving the 9 ICI/Chevron relationship regarding registration 10 issues; correct? 11 A. Excuse me, sir, I believe this one is 12 1976 to 1979. 13 Q. I'm sorry, I misspoke. 1976 to 1979. 14 I was looking at the wrong paragraph of my notes. 15 I'm sorry. Thank you for correcting that. 16 So let's start over. Plaintiffs' 17 Deposition Exhibit 52 is a collection of 18 documents -- how many here -- 81 documents, I 19 think? 20 A. Yes, sir. 21 Q. And this, again, relates to the 22 ICI/Chevron relationship regarding registration, 23 and it's covering the period from '76 to 1979; 24 correct? 25 A. Yes, sir.	Page 481 1 I think I asked you, but that's 39 2 documents; correct? 3 A. Yes, sir, 39. 4 Q. All right. And let's move on to 5 Plaintiffs' Deposition Exhibit 54. 6 Now, before we move on to 54, do 7 the documents in plaintiffs' group exhibits that 8 we marked as 50, 51, 52, and 53, consist of 9 documents that relate or refer in some way to the 10 registration of paraquat for sale and use in the 11 United States? 12 A. Yes, sir. 13 Q. Would it be accurate to describe those 14 documents generally as reflecting how and the 15 extent to which ICI and Chevron worked together on 16 matters involving the registration and maintaining 17 and expanding the scope of registration of 18 paraquat for sale and use in the United States? 19 MR. ORLET: Object to the form. 20 THE WITNESS: Can you repeat the 21 question? 22 Q. (BY MR. TILLERY) Absolutely. Would 23 it be an accurate statement to describe those 24 documents which we marked as 50, 51, 52, and 53 as 25 reflecting how and the extent to which ICI and

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Page 482 1 Chevron worked together on matters involving the 2 registration of paraquat and maintaining and 3 expanding the scope of the registration of 4 paraquat for sale and use in the United States? 5 MR. ORLET: Same objection. 6 THE WITNESS: Sorry, I believe 7 that most of that is accurate. I guess the 8 expanding the registration is a little bit unclear 9 to me. 10 Q. (BY MR. TILLERY) Do you remember when 11 we talked about alfalfa, we talked about other 12 things for usages? Do you remember that? 13 A. Yes, okay, but in context, though, a 14 different application, that's right. 15 Q. You agree with me? 16 A. Yes. 17 Q. All right. For example, do Chevron 18 Group Exhibits 50 through 53 include documents 19 that relate or refer in some way to studies 20 involving paraquat performed by ICI and Chevron 21 for submission to the EPA to register and maintain 22 the registration of paraquat? 23 MR. ORLET: You might want to 24 repeat that. I think you misread that, Steve. 25 Q. (BY MR. TILLERY) Okay. Do -- if	Page 484 1 A. Yes, sir. 2 Q. Do they include references to proposed 3 label revisions to be submitted to the EPA? 4 A. Sir, I -- having reviewed multiple 5 documents related to the label revision, I don't 6 recall specifically if it was in this one. I know 7 that it was in this set of exhibits. I believe it 8 could have been in here or in other of the 9 groupings. 10 Q. It was either in the registration one 11 or some other one, but -- 12 A. Yes, sir. 13 Q. -- is what you're saying. Yeah. All 14 right. 15 Do they involve, in this group of 16 four group exhibits, 50 through 53, Chevron's 17 referral of the EPA to ICI on certain matters 18 involving paraquat's toxicology? 19 A. Sir, please repeat the question. 20 Q. Yes. I was just asking if in any of 21 these documents in these four group exhibits 22 involved are mentioned or referred to the fact 23 that at times Chevron referred the EPA to ICI when 24 it came down to issues of paraquat's toxicology. 25 A. Sir, I don't recall seeing documents
Page 483 1 you're just thinking of studies that are necessary 2 to promote or maintain the registration of 3 paraquat, do those group exhibits at least involve 4 some of that topic? 5 A. So they involve the studies and the 6 approaches necessary to register paraquat and its 7 different applications, yes. 8 Q. And to maintain the registration of 9 paraquat with the EPA. 10 A. And to maintain, yes, correct. 11 Q. Right. Do they also relate to or 12 refer to tolerance studies or field trials 13 required to be submitted to the EPA to gain 14 approval for new labeled uses of paraquat? 15 A. Yes, sir, I believe they do. 16 Q. Okay. Do they include the status of 17 and progress on applications to the USDA, the EPA, 18 for approval of new labeled uses of paraquat? 19 A. Yes, sir. 20 Q. And do they include meetings with the 21 USDA and EPA that both ICI and Chevron attended? 22 A. Yes, sir, I believe so. 23 Q. Do they include communications between 24 ICI and Chevron about meetings with the USDA or 25 EPA that one or the other but not both attended?	Page 485 1 exactly like that, so I would need to -- 2 Q. Okay. 3 A. That's -- 4 Q. That's okay. That's all right. 5 In the relationship between ICI 6 and Chevron regarding paraquat, who had principal 7 responsibility for assessing paraquat's 8 toxicology? 9 A. Sir, the primary responsibility for 10 assessing the -- for providing the toxicology 11 information was typically ICI. So they would 12 provide that to the toxicology information. As 13 the expert and the manufacturer of paraquat, they 14 held multiple studies, multiple toxicology 15 studies. And they would have provided that to 16 Chevron for Chevron to review and for Chevron to 17 do their due diligence and either concur with the 18 assessment and the resulting hazards. 19 Q. And in the relationship between 20 Chevron and ICI regarding paraquat, who had the 21 ultimate responsibility for assessing potential 22 neurotoxicity to humans of paraquat? 23 A. Sir, would you please repeat the 24 question? 25 Q. Yes. In the relationship between

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Page 486 1 Chevron and ICI regarding paraquat, which company 2 had the ultimate responsibility for assessing 3 potential neurotoxicity to humans that could be 4 caused by paraquat? 5 A. Sir, regarding chronic effects, I 6 believe that both companies would have been 7 evaluating the chronic toxicity data that was 8 available and collected over the time period that 9 Chevron was selling paraquat. So they would have 10 both been evaluating and reviewing the chronic 11 toxicity data that would have contained endpoints 12 related to neurotoxicity, as well as any case 13 reports, human case reports that would have 14 occurred related to any chronic effects or 15 neurotoxicity. 16 Q. Do you equate chronic effects with 17 measures of neurotoxicity endpoints? 18 A. Sir, during the time period that 19 Chevron was selling paraquat, the standard studies 20 that were available were chronic toxicity studies. 21 And the nervous system is a target organ system 22 similar to the lung or the kidney that would have 23 been evaluated in those studies. 24 Q. Okay. So would you agree, based upon 25 the answer you just gave, that it would have been	Page 488 1 the EPA would have been requesting additional 2 information and studies. So in that context, yes. 3 Q. So let's go to Exhibit 54. 4 (Patterson Deposition Exhibit 54 5 marked.) 6 THE WITNESS: Loaded. 7 Q. (BY MR. TILLERY) All right. This 8 index refers to an ICI Chevron relationship 9 entitled Labels and Warnings. 10 Did you get a chance to review 11 this before the deposition as well, sir? 12 A. Yes, sir, I did. 13 Q. Okay. It is a collection of six 14 documents that span the period of 1972 to '74 and 15 relate to the subject of Chevron's paraquat label, 16 and in particular the warnings, cautions, and 17 instructions on the label; correct? 18 A. Yes, sir. 19 Q. All right. The group includes a 20 July 1972 Chevron internal memo that indicates in 21 relevant part that ICI has sent Chevron copies of 22 its paraquat and diquat labels and requested 23 copies of Chevron's, and that Chevron would be 24 collecting a set to send to ICI. 25 Do you remember that?
Page 487 1 both Chevron and ICI who decided whether or not 2 additional studies to assess potential human 3 neurotoxicity were necessary to be performed of 4 paraquat? 5 MR. ORLET: Object to the form. 6 THE WITNESS: So my understanding 7 is is that ICI was the lead in collecting the 8 toxicology data, and especially at the beginning 9 of Chevron selling paraquat, but Chevron would 10 have had the opportunity to, you know, discuss and 11 evaluate and request additional studies related to 12 any endpoint. 13 Q. (BY MR. TILLERY) Okay. Finally, in 14 terms of those four group documents that were 15 numbered here and presented to you as exhibits -- 16 Plaintiffs' Exhibits 50, 51, 52, and 53, did those 17 documents and exhibits relate or refer in any way 18 to communications between ICI and Chevron of 19 concerns or potential actions taken by the EPA in 20 relation to paraquat safety or health effects and 21 how to address them? 22 A. Sir, there were documents that the EPA 23 were commenting on the hazards and requesting -- 24 you know, requesting studies. So that would have 25 been, for example, part of the, our part, where	Page 489 1 A. I don't. I would need to look at the 2 documents to recall that. 3 Q. If you -- do you know what, we'll come 4 back to it. 5 This group also includes Chevron 6 internal reports and memoranda about meeting with 7 ICI regarding labels too, doesn't it? 8 A. Yes, sir, it does. 9 Q. And finally, it includes some letters 10 that we have discussed today about a draft label 11 and proposed changes to Chevron's label; correct? 12 Do you recall that? 13 A. Yes, sir. 14 Q. All right. Let's move on to 55. 15 (Patterson Deposition Exhibit 55 16 marked.) 17 THE WITNESS: It's loaded. 18 Q. (BY MR. TILLERY) Plaintiffs' 19 Deposition Exhibit No. 55 is a group exhibit that 20 relates to ICI/Chevron relationship regarding 21 marketing and promotion, doesn't it? 22 A. Yes, sir. 23 Q. And this is a collection of 15 24 documents that span the years from 1965 to '84 and 25 relate to the relationship between ICI and Chevron

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Page 490 1 regarding the marketing and promotion of paraquat 2 in the United States; correct? 3 A. Yes, sir. 4 Q. And these include documents having to 5 do with ICI's financial support for Chevron's 6 marketing efforts and promotions; correct? 7 A. Sir, I would need to look at the 8 financial support part of that to make sure I 9 accurately respond. 10 Q. Well, go ahead and look at them if you 11 can. 12 [Document review.] 13 A. Sir, by financial support, sir, you're 14 referring to, for example, the rebates? 15 Q. Rebates would be -- rebates, 16 contributions towards marketing and promotion, 17 anything that they may have done, yes. 18 A. Okay. Yes, sir, these documents 19 contain items related to that. 20 Q. All right. And let's go to 56. 21 (Patterson Deposition Exhibit 56 22 marked.) 23 THE WITNESS: Loaded. 24 Q. (BY MR. TILLERY) Okay. Plaintiffs' 25 Deposition Exhibit 56 is a group exhibit, again,	Page 492 1 statements about paraquat too, didn't they? Have 2 you read anything about that? 3 A. I don't recall specific documents 4 where they specifically discuss that aspect -- 5 Q. Okay. 6 A. -- directly. 7 MR. TILLERY: Let's go to 56. 8 THE STENOGRAPHER: We already 9 marked 56. Do you mean 57? 10 MR. TILLERY: I do, and it was 11 just pointed out here how grievous a mistake I 12 made. 13 Thank you very much. 57. 14 (Patterson Deposition Exhibit 57 15 marked.) 16 Q. (BY MR. TILLERY) Sir, do you see this 17 document? 18 A. It just loaded, yes. 19 Q. Plaintiffs' Deposition Exhibit 57. 20 And what we're seeing here is the 21 index to a group exhibit, okay? That consists of 22 a number of documents relating to the termination 23 of the ICI/Chevron distribution and licensing 24 agreements; correct? 25 A. Yes, sir, that's correct.
Page 491 1 and it relates to the relationship between ICI and 2 Chevron regarding public and scientific community. 3 Do you see that? 4 A. Yes, sir. 5 Q. And you read these documents before, 6 or looked at them before the deposition; right? 7 A. Yes, I did. 8 Q. This is a collection of 63 documents 9 spanning 1966 to 1986 that relate to cooperation 10 between ICI and Chevron regarding relations of 11 public and scientific community; right? 12 MR. ORLET: Object to the form. 13 THE WITNESS: Sorry, sir, please 14 repeat the question. 15 Q. (BY MR. TILLERY) Yes. This is a 16 collection of 63 documents from 1966 to 1986 that 17 relate to the cooperation between ICI and Chevron 18 concerning relations with the public and the 19 scientific community. 20 A. Sir, if I recall correctly, ICI and 21 Chevron do meet and discuss different scientific 22 articles in the literature, different newspaper 23 articles that have been published, and how one or 24 the other have responded. 25 Q. Okay. And how to deal with public	Page 493 1 Q. And this group exhibit marked 57 2 includes Chevron internal communications and 3 communications with customers about the 4 termination of the paraquat business relationship 5 between Chevron and ICI, in part; correct? 6 [Document review.] 7 A. Sir, I don't recall much about 8 communications to customers about the termination, 9 but perhaps that's in here but I don't recall off 10 the top of my head. 11 Q. You can take your time at a break and 12 look at this and see it before we come back, 13 because we have a couple of things to look at. 14 Does this group of exhibits also 15 include various September 1986 agreements between 16 Chevron ICI and ICI Americas that affected and set 17 forth the terms on which they agreed to terminate 18 their relationship? 19 A. Yes, sir. 20 Q. Does it include documents that relate 21 to Chevron's transfer of data and files to ICI 22 Americas and ICI Americas' access to certain 23 Chevron paraquat study archives that Chevron 24 retained? 25 A. Yes, sir.

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Page 494 1 Q. Does it include documents relating to 2 Chevron's return of paraquat inventories to ICI 3 Americas? 4 A. Yes, sir. 5 Q. Does it include a February 1987 letter 6 from ICI Americas to Chevron in which ICIA demands 7 that Chevron defend and indemnify ICI Americas in 8 litigation alleged to have been related to 9 paraquat products sold by Chevron? 10 A. Sir, I remember something along those 11 lines. 12 Q. Okay. 13 A. You were very specific. But there was 14 a topic related to that, yes. 15 Q. Where there was a letter of 16 communication memo asking that they take charge of 17 this. Do you remember? 18 A. Yes, I recall reviewing that, yes. 19 Q. Okay. Finally, does it include an ICI 20 Americas memo produced from Chevron files that 21 relates to the respective responsibility of 22 Chevron and ICI Americas for handling claims 23 arising from the respective sales of paraquat 24 products? 25 A. Yes, sir.	Page 496 1 that we've been talking about over the last 2 several hours, these group exhibits are just small 3 samples of the documents in Chevron's files that 4 relate to the aspects of Chevron's paraquat 5 business covered by the group exhibits? 6 A. Sir, it's a fraction. I don't know 7 what fraction. 8 Q. Okay. Now, let's move to another 9 topic. 10 THE WITNESS: Sir, maybe a quick 11 break before we move on to the next topics. 12 MR. TILLERY: It will be a little 13 longer break because of the -- I'm moving into a 14 different topic. Do you want to -- before we 15 move -- 16 Well, that's okay, we can take the 17 break now and come back. It will be a little 18 longer because I have to set up for another new 19 whole section and get out the files, so let me do 20 that. So let's make it, say, ten minutes. Okay? 21 THE WITNESS: Okay. 22 MR. TILLERY: Is that enough time 23 for you, sir? 24 THE WITNESS: Yes, thank you. 25 THE VIDEOGRAPHER: Going off the
Page 495 1 Q. Okay. Well perhaps you can look at 2 the next break at some of those points that we 3 discussed that were left open for you to consult 4 the documents, okay? 5 So we could move to another topic, 6 but before we do I want to cover one, just general 7 point. 8 Having reviewed the documents in 9 plaintiffs' exhibits that were marked here today 10 in all of these group exhibits so far that we have 11 talked about and many other documents produced by 12 Chevron in this case, do you agree that the 13 documents in these group exhibits are 14 representative of the documents in Chevron's files 15 that relate to the aspects of Chevron's paraquat 16 business covered by the group exhibits? 17 A. Sir, I would say that is a fair 18 representation. 19 Q. All right. 20 A. There's so many documents, there might 21 be a few more here or there that could be useful, 22 but I think that's a pretty good representation of 23 those topics outlined. 24 Q. All right. And do you also agree that 25 despite the seemingly large number of documents	Page 497 1 record. The time is 1:37 p.m. 2 (Recess taken, 1:37 p.m. to 1:50 3 p.m. PDT, and Mr. Bahgdadi is no longer present) 4 THE VIDEOGRAPHER: We are going 5 back on the record. The time is 1:50 p.m. 6 Q. (BY MR. TILLERY) Sir, in researching 7 the historic records of Chevron relating to 8 paraquat, did you find reference to the supervisor 9 of product registration, a Mr. Don Dye, D-Y-E? 10 A. I'm sorry, did I find reference to 11 him? 12 Q. Yes, did you ever see his name 13 mentioned in any way? 14 A. Yes, sir, I did. 15 Q. Did you know him? 16 A. No, sir, I did not. 17 Q. And what do you understand his role or 18 responsibility was at Chevron? 19 A. Sir, I remember seeing his name in 20 relationship to I believe environmental fate 21 studies in the soil. That's what I recall. I 22 don't recall his job title. 23 Q. Okay. And I have some documentation, 24 I've seen his job title being supervisor of 25 product registration. Do you know what that is?

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Page 498 1 A. Sir, it sounds like it's someone who 2 supervises a group of people, or oversees products 3 being registered for regulatory purposes. 4 Q. And do you know who he reported to, 5 sir? 6 A. No, sir, I do not. 7 Q. In the late 1960s, the result was 8 Chevron position called manager of technical 9 coordination. Did you ever see that? 10 A. I remember seeing that job title on 11 some of the documents. 12 Q. Do you know what the manager of 13 technical coordination did? 14 A. No, sir, I don't recall seeing a 15 description of what that job entails in the 16 documents I reviewed. 17 Q. And the document that we're going to 18 talk about in a few minutes, there's a reference 19 to a person by the name of T.W. Reed, who, at the 20 time, in 1969, was manager of technical 21 coordination. 22 Do you know who T.W. Reed was? 23 A. Sir, I recall his name on multiple 24 documents, but I don't know specifically who he 25 was or his responsibilities.	Page 500 1 Q. What was the nature of the document 2 that you remember seeing? 3 A. I don't recall, sir. I reviewed, you 4 know, hundreds of documents. And at some point, 5 unfortunately they all start to kind of merge 6 together. But the document does sound familiar, I 7 would just need to evaluate -- review it to 8 provide you with a specific answer. 9 Q. Okay. Well, let's go ahead and pull 10 up a document and see if it refreshes your 11 recollection. 12 MR. TILLERY: And this, Counsel, 13 is Plaintiffs' Deposition Exhibit 58, and it's 14 marked CUSA-00383879. And it's a one-page 15 document, so we'll put it on the screen. 16 (Patterson Deposition Exhibit 58 17 marked.) 18 THE WITNESS: It's loaded. 19 Q. (BY MR. TILLERY) After you've had a 20 chance to look at it, if you'd first tell me if 21 this is the one that you referred to and read 22 before the deposition. 23 A. Yes, I've reviewed this document. And 24 I recollect having seen this in my studying of the 25 documents previously.
Page 499 1 Q. And did you understand that in the 2 late 1960s, Chevron had sought and obtained a 3 permission for a tank mix of paraquat and other 4 chemicals? Did you see that in the documents? 5 The authority to sell the product 6 paraquat to other companies as a tank mix? 7 A. Sir, I apologize, we would have to go 8 to the document. 9 Q. Okay. I'm happy to do that, I just 10 wanted to know if you were aware of the fact that 11 in the late 1960s, that as part of the process 12 that Chevron was undertaking in the sale and 13 distribution of paraquat, it wanted to market 14 paraquat products along with residual herbicides 15 sold by other companies. Were you aware of that? 16 A. Sir, I don't recall seeing that in a 17 document that I reviewed. 18 Q. Okay. Did you know, for example, that 19 they were selling it as a tank-mix product with 20 Atrazine and Simazine, with Lorox manufactured by 21 DuPont, Lasso manufactured by Monsanto? Have you 22 seen any documents about that? 23 A. Sir, I recall a document, but we would 24 need to refer to that document before I can give 25 you any answer.	Page 501 1 Q. When did you see it last? 2 A. I believe in the review and lead-up to 3 preparation for this deposition as opposed to the 4 first one. 5 Q. So you saw it in the last week or so? 6 A. Yes, sir. 7 Q. All right. So this was forwarded 8 because it was used in another deposition. You 9 knew that, right? 10 A. Perhaps. I don't remember if it was. 11 Q. Well, you saw it last week or so, 12 didn't you? When you say you've seen it in the 13 last week? 14 A. Yes. I've seen it in the last week. 15 Q. And did you review this when you did 16 your detailed, several-week summary of corporate 17 documents of Chevron's? Did you review this 18 document before that time? 19 A. Sir, I don't recall. I came across so 20 many documents. 21 Q. What you do recall is having seen it 22 in the last week; right? 23 A. Yes, I've seen this recently. 24 Q. Okay. And this was furnished to you 25 by counsel. Would that be a fair statement?

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Page 502 1 A. I believe that this one was provided 2 to me by counsel when we were reviewing various 3 topics together, yes. 4 Q. In the last week? 5 A. I believe so, yes. 6 Q. All right. Okay. So let's go over 7 and identify what it is. 8 It's an internal memo or letter, 9 and it's from Mr. Reed. He's the gentleman that 10 we talked about earlier on, isn't it? Right? 11 A. Yes, sir. 12 Q. All right. And it's to Mr. -- it's 13 from Mr. Dye. It's to Mr. T. W. Reed, and it's 14 from Mr. Dye, D-Y-E; correct? 15 A. Yes, sir, that's correct. 16 Q. So as part of the program, if you see 17 here, that is referenced on the fact that Chevron 18 had just received their label registration for the 19 tank mix of paraquat and Atrazine. Mr. Dye was 20 reaching out to other companies to see if they 21 would be agreeable to buying your product, weren't 22 they? Wasn't he? 23 MR. ORLET: Object to the form. 24 THE WITNESS: I'm sorry, sir, 25 would you point me to the part of the document	Page 504 1 Q. Right. And to that end he had a phone 2 call with Mr. Wood, didn't he? 3 A. Yes, sir, that's what the letter says. 4 Q. And Dr. John J. Wood was 5 vice president of research at Geigy Agricultural 6 Chemicals; right? 7 A. Yes, sir. 8 Q. Okay. And the purpose of this letter 9 is to report back to Mr. Reed what Geigy had said 10 about paraquat; right? 11 A. Yes, sir, that's my understanding. 12 Q. Okay. And he said we also discussed 13 Geigy's attitude regarding paraquat. Do you see 14 that? 15 A. Yes, sir. 16 Q. Now, this is April 23rd, 1969, right? 17 A. Yes, sir. 18 Q. This is four years after Chevron first 19 started selling the product in the United States; 20 right? 21 A. Correct. 22 Q. Well, let's follow along and read this 23 together and see what John -- or sorry, what 24 Dr. John Wood of Geigy told Mr. Dye. 25 And does it say in the letter as
Page 503 1 that says he was trying to sell it? 2 Q. (BY MR. TILLERY) Yeah, first 3 sentence. He says to T.W. Reed, Re: Geigy. See? 4 Top of the page? 5 On April 17th, a phone call was 6 made to Dr. John J. Wood, Vice President of 7 Research, Geigy Agricultural Chemicals. 8 Do you see that? 9 A. Yes, sir, I do. 10 Q. The purpose of the phone call was to 11 advise John that we had received our label 12 registration for the tank mix of Paraquat and 13 Atrazine. Okay? 14 A. Yes, sir. 15 Q. And we also discussed Geigy's attitude 16 regarding Paraquat; correct? 17 A. Yes, sir. 18 Q. So you understand this was in 19 connection with the permission that Chevron had to 20 use paraquat in a tank mix form. Did you 21 understand that from this letter? 22 A. From this letter, my understanding is 23 it looks like Chevron is inquiring whether this 24 would be a possibility with Geigy to mix these two 25 materials together in a tank mix operation.	Page 505 1 we go forward: John said that Geigy felt that 2 Paraquat was a potentially hazardous chemical and 3 they were not doing any research on this product. 4 Their Marketing people have been advised to not 5 promote or encourage the use of Paraquat in any 6 way. 7 Is that what it says? 8 A. Yes, sir, that's what the letter says. 9 Q. Okay. And then, if you skip down to 10 the second paragraph, it says -- in the middle of 11 it, it says the Marketing people -- you tell me 12 what that next word is? The Marketing people? 13 Sent. I'm sorry. The Marketing people sent out a 14 notice to their salesmen telling them not to 15 encourage the use of Paraquat with any of their 16 products. 17 Correct? 18 A. Yes, sir, that's what it states. 19 Q. Geigy felt that they had sufficient 20 liability with their own products and did not want 21 to increase their liability by having paraquat 22 included in with these products. 23 Is that right? 24 A. Yes, sir, that's what it says. 25 Q. All right. And did Geigy send a

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Page 506 1 document informing -- in a formal way, informing 2 Mr. Dye that they had rejected the idea of using 3 paraquat? 4 MR. ORLET: Object to the form. 5 THE WITNESS: Sir, I don't recall 6 seeing a letter from Geigy stating that. 7 Q. (BY MR. TILLERY) Well, let's go 8 through -- let's go through and see if you can -- 9 can you highlight this one sentence? Because I 10 want the jury to see the sentence if we can 11 highlight it where it says "We also discussed 12 Geigy's attitude," in the first paragraph, fourth 13 line down. 14 A. Yes, sir. 15 Q. I think we're trying to get some way 16 of illustrating what the -- because it's so 17 difficult to read. 18 Yes. And that, that's highlighted 19 in that sentence, and the next line too. And the 20 next. Yeah, that line. And the next line. And 21 keep going down to "any way." 22 Okay. Do you see we've 23 highlighted just a little more, but do you see 24 that, he says: We have discussed Geigy's attitude 25 regarding Paraquat. John said that Geigy felt	Page 508 1 A. Yes, sir, that's what it states. 2 Q. Now, can you tell me whether or not 3 other companies had the same reaction to the use 4 of paraquat? 5 A. Sir, I don't recall any other examples 6 of other companies having -- I don't recall 7 documents that addressed this similar type of an 8 approach with tank mixing and mixing of product. 9 Q. Now, do you see here that they had 10 their own people look at this and they said they 11 had looked at it and had made a determination that 12 it was potentially hazardous and they were not 13 doing any further research on this? 14 Did Chevron ask what -- the 15 research they had done? Do you know of any 16 documents showing that Chevron asked for their 17 research documents? 18 A. Sir, I'm unclear because it says that 19 Geigy was not doing any research on this product 20 at all. 21 Q. After they'd made a determination that 22 was hazardous. 23 What I'm asking you is did Chevron 24 ask them why do you believe it's hazardous? 25 A. Sir, I apologize. I guess I'm still
Page 507 1 that Paraquat was a potentially hazardous chemical 2 and they were not doing any research on this 3 product. Their Marketing people have been advised 4 to not promote or encourage the use of Paraquat in 5 any way. Okay? 6 Do you see that? 7 A. Yes, sir, I do. 8 Q. Now, look down further in that 9 paragraph, where it says He advised. 10 Can you read the rest of that? 11 The "he advised" down. Into the 12 record, to the end of the paragraph. 13 A. He advised that Geigy is very 14 conservative with regard to highly toxic or 15 hazardous chemicals. They have had several 16 materials with great potential but they were very 17 toxic or presented a potential hazard. These 18 materials have been put back on the shelf and not 19 developed. 20 Q. Okay. And then it's the next 21 paragraph that we also looked at, where it says: 22 Geigy felt that they had sufficient liability with 23 their own products and did not want to increase 24 their liability by having Paraquat included with 25 these products; right?	Page 509 1 unclear, because when I read that John said that 2 Geigy felt that paraquat was a potentially 3 hazardous chemical and they were not doing any 4 research on this product. 5 Q. Right. They had already made the 6 determination that it was a hazardous chemical; 7 did you ask them why they thought it was 8 hazardous? 9 How did you -- 10 A. Sir, I'm not aware of how they reached 11 that conclusion, but later on in the letter it 12 does state that this was potentially a 13 misunderstanding and that we were going to send 14 them our data on this -- on paraquat to their 15 industrial hygiene department to review. But I 16 don't recall seeing anything else from Geigy, like 17 specifically a response for their industrial 18 hygiene department. 19 Q. Okay. Well, maybe I can show that to 20 you and then we'll come back to this exhibit. 21 Let's show him the very next, 22 Exhibit No. 59. 23 (Patterson Deposition Exhibit 59 24 marked.) 25 THE WITNESS: It's loaded.

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Page 510 1 Q. (BY MR. TILLERY) So let's take a look 2 at this exhibit, sir, if we can. This a 3 June 23rd, 1969 document, isn't it? 4 A. Yes, sir, it is. 5 Q. And it's a document that was written 6 by J.J. Hood. He's the same gentleman who was 7 referenced in Exhibit 58, the vice president of 8 research at Geigy Agricultural Chemicals; right? 9 A. Yes, sir, that's correct. 10 Q. And he sends a note: Dear Don, 11 DF Dye, Supervisor, Product Registration, Ortho 12 Division, Chevron Chemical Company. 13 Do you see that? 14 A. Yes, sir. 15 Q. And I refer to your letter of 16 April 22nd and our various discussions concerning 17 paraquat-triazine combinations. That's what we 18 were talking about, isn't it? 19 A. Yes, sir, that's correct. 20 Q. Okay. So this June 23rd, which is 21 exactly two months after the memo from the phone 22 call. Right? 23 A. Yes, sir. 24 Q. And the Industrial Hygiene and 25 Toxicology Bulletin had already been distributed	Page 512 1 A. Sir, I don't recall in the documents, 2 any additional inquiries to Geigy asking about 3 what their view of the information we provided 4 them was. 5 Q. Do you think it would be prudent if 6 another company said this stuff is just too 7 dangerous to use, to ask them why they thought it 8 might be? 9 MR. ORLET: Object to the form. 10 THE WITNESS: Sir, Chevron had 11 information, the same information that Geigy -- 12 they provided Geigy to do a similar evaluation, 13 and they apparently came to a different 14 conclusion. 15 I don't know the expertise that 16 was at Geigy at the time or their ability to 17 evaluate and make such conclusions, so it would be 18 hard to know the complete context of what occurred 19 and whether or not Mr. Dye followed up as was 20 suggested at the bottom part of that letter. But 21 I haven't seen it. I haven't seen anything in the 22 documents, which isn't to say that they didn't 23 have additional discussions. 24 Q. You have never seen any evidence of 25 follow-up, have you?
Page 511 1 by Chevron safety division, right? 2 A. Yes, sir. I believe this is what we 3 were referring to in the previous letter, that we 4 provided them the toxicology information. 5 Q. Right. So he says in the second 6 paragraph: Following a thorough review of all of 7 the information we have on paraquat, including the 8 Industrial Hygiene and Toxicology Bulletin 9 distributed by our safety division -- by your 10 safety division, the industrial bio test 11 laboratories report of March 30th, 1966 and other 12 information supplied by Chevron, we've made the 13 decision to not label or promote the combination 14 of paraquat with the various triazine herbicides 15 at this time. Is that right? 16 A. Yes, sir, that's what the letter 17 states. 18 Q. Does that answer your questions about 19 what they did with the review of the material that 20 was forwarded? 21 A. Yes, sir. It looks like they reviewed 22 it and they decided not to promote paraquat and 23 triazine mixtures. 24 Q. Did you ever, at Chevron, ask them why 25 they thought it was so hazardous, paraquat?	Page 513 1 A. Sir, no, I have not come across 2 anything else related to Geigy related to paraquat 3 and triazine. 4 Q. You have never seen any document of 5 any kind that ever shows that Chevron asked to see 6 any reports or documentation regarding Geigy 7 Agricultural Chemicals scientific review of 8 paraquat, did you? 9 A. Sir, again, I apologize. I don't 10 think that -- my understanding of this is that 11 Geigy didn't necessarily have any of those reports 12 or documents. They were reviewing our documents 13 and they came to a different conclusion based on 14 the context of their situation than we did. 15 Q. How do you know that? What document 16 are you relying on for that? What materials have 17 you seen that you're relying on now? 18 A. Sir, I'm relying on these two 19 documents and trying to interpret them as best as 20 I can, specifically the previous one, where it 21 talks about Geigy not having any -- done any 22 research on their own. It appears to me that they 23 we're relying on what we provided to them. Or 24 possibly what's available. It appears it's based 25 on what the -- the toxicology bulletin and the

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Page 514 1 industrial bio test laboratories' report on 2 March 30th, 1966, and other information supplied 3 by Chevron. 4 Q. So let me ask you. Did it matter to 5 Chevron why another major agricultural chemical 6 company would view this product as too dangerous 7 to sell along with its own product? 8 MR. ORLET: Object to the form. 9 THE WITNESS: Sir, I would have to 10 better understand the context at the time; and 11 understanding the context at the time, if Chevron 12 had the same information and understanding of what 13 the hazards and risks were, and they made the best 14 conclusions that they could have based on that 15 information. 16 Q. (BY MR. TILLERY) Well, let me ask you 17 this. Do you have it recorded anywhere, in any 18 document you've ever seen, as to what the people 19 at Geigy felt made this product too hazardous to 20 use? What scientific feature, characteristic, 21 mode of action of this chemical made it too 22 dangerous to use. Do you have any record? 23 A. Sir, I've not come across any record 24 where Geigy explains further about the hazards of 25 paraquat that concerns them.	Page 516 1 that workers didn't always wear specific 2 protective clothing when using paraquat, weren't 3 they? 4 A. My understanding is that Chevron's 5 expectation was that the label should be followed; 6 and as such, they put a great deal of effort into 7 educational outreach to stress that very fact. 8 MR. TILLERY: Yeah, move to strike 9 your answer as unresponsive. I'm going to start 10 over and see -- if you don't understand the 11 question, let me know. 12 Q. (BY MR. TILLERY) Chevron was aware 13 from the 1960s that workers didn't always wear 14 specific protective clothing when using paraquat; 15 correct? 16 A. Sir, in the documents that I've 17 reviewed, there's a few documents that I recall 18 where Chevron had identified this as a -- that 19 workers not following the label as a potential 20 issue. And as a result of that, they tried to 21 stress how important it was to do so. 22 MR. TILLERY: Okay. I move to 23 strike your answer as unresponsive. This is my 24 last time and then I'll take that question 25 somewhere else to get it answered. I'm not going
Page 515 1 Q. Okay. And did you find any evidence 2 anywhere that after this letter was received, 3 marked Exhibit 59, that anybody from Chevron 4 reached out to J.J. Hood at Geigy Agricultural 5 Chemicals, or any of the scientists there, for an 6 explanation of their position? 7 A. Sir, I did not come across any 8 additional documents in my review that that 9 occurred. 10 Q. Okay. This would have been the kind 11 of information that would have been shared with 12 ICI too, wouldn't it? 13 A. Sir, would you please repeat the 14 question? 15 Q. This is the kind of information, 16 letters like this, rejections of the chemical, 17 would have been considered significant to share 18 with ICI too, wouldn't it? 19 A. Sir, I don't recall this being sent to 20 ICI. 21 Q. You don't know whether it was or not? 22 A. That's correct, sir, I don't know if 23 it was. I don't recall seeing if it was. 24 Q. Let's go to another topic, if we can. 25 Chevron was aware, from the 1960s,	Page 517 1 to spend time burning up the record. If you don't 2 want to answer them, fine. You talk to somebody 3 else. 4 Q. (BY MR. TILLERY) Chevron was aware 5 from the 1960s that workers using paraquat did not 6 always wear prescribed protective clothing, 7 weren't they? 8 A. Sir, again, there are documents that I 9 reviewed where Chevron identified that as a 10 potential issue. 11 Q. Okay. And they were aware of it in 12 the '60s, weren't they? 13 A. Sir, off the top of my head, I recall 14 a document from around 1974 where it was being 15 discussed, but I don't recall off the top of my 16 head seeing specific documents before that. 17 Q. Okay. Well, let's see if we can 18 refresh you and we'll call this as No. 60. 19 Plaintiffs' Deposition Exhibit No. 60. 20 (Patterson Deposition Exhibit 60 21 marked.) 22 Q. (BY MR. TILLERY) And this is 23 CUSA-00190356? 24 A. It's loaded. 25 Q. If you'd take a look at this.

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Page 518 1 [Document review.] 2 Q. This was a letter from WG Toland at 3 Chevron, and he's sending it to a Mr. Ward at the 4 United States Department of Agriculture, and it's 5 dated July 7, 1965; right? 6 A. Yes, sir, that's correct. 7 Q. Mr. Toland refers to a report 8 regarding possible paraquat injuries at a coffee 9 plantation in El Salvador; right? 10 A. Yes, sir, that's the content of this 11 letter. 12 Q. And it refers to an investigation and 13 report performed by Chevron and ICI; right? 14 A. Yes, sir, they visited and created a 15 report related to this incident. 16 Q. Okay. Now, let's go to the next page, 17 which includes the three-page report. 18 If you'd go through that and then 19 I'm going to direct your attention to the next 20 page. 21 [Document review.] 22 Q. Tell us when we can move to the next 23 page for your purposes. 24 A. Yes, sir. 25 Q. Okay. Move on to the next one.	Page 520 1 personnel are attached permanently to this job. 2 Hand pumped backpack sprayers fitted with lances 3 and T jet nozzles were used with the worker 4 directing the spray onto the weeds as he walks. 5 The workers wear no specific protective clothing 6 and are normally dressed in cotton drill shirt and 7 trousers and moulded rubber or leather shoes, 8 which leave the ankles exposed. They usually wear 9 a burlap sack over their shoulders to protect 10 their backs from chafing by the sprayer. 11 Do you see that? 12 A. Yes, sir, I do. 13 Q. So this was a report that Chevron had 14 and made to the U.S. government recording exactly 15 what they knew from an investigative report of how 16 paraquat was being used; right? 17 MR. ORLET: Object to the form. 18 THE WITNESS: Yes, sir, in 19 El Salvador with an ICI product, yes, sir. 20 Q. (BY MR. TILLERY) Right. But they 21 knew this in 1965. What year did you start 22 selling the product? 23 A. In 1965. 24 Q. And when that product -- when that 25 product was being applied there in El Salvador,
Page 519 1 [Document review.] 2 A. I've finished reading. 3 Q. And if you'd go to the next page, it's 4 just the concluding paragraphs. 5 [Document review.] 6 Q. Now let's go backwards to the 7 preceding page. 8 A. I'm sorry, sir, I apologize. I didn't 9 finish reading that. 10 Q. Okay, I'm sorry. 11 [Document review.] 12 A. All right. I've finished. Thank you, 13 sir. 14 Q. All right. Go to the preceding page. 15 And you'll see there's a paragraph that says: 16 After a visit to the plantation. Do you see that 17 one? 18 A. Yes, sir. 19 Q. And down a ways, it says: The spray 20 gang numbered 30 men who had carried out the 21 complete spray program covering 390 -- and I don't 22 know what term that is -- manzanas (657 acres) of 23 coffee during approximately 12 to 14 days 24 continuous work. 25 This group of trained spraying	Page 521 1 that was Gramoxone; wasn't it? 2 A. Yes, sir, I believe Gramoxone is the 3 ICI product. 4 Q. That was the Syngenta product too, 5 wasn't it? 6 A. Right. 7 Q. That was the same active ingredient 8 you were formulating and selling for them in the 9 United States; correct? 10 A. Sir, I believe it's a similar product. 11 I don't know exactly. 12 Q. Well, it's a paraquat-containing 13 product. 14 A. Yes, sir. 15 Q. Are you going to represent to the 16 court and the jury that there's a difference 17 between Ortho paraquat and Gramoxone? 18 A. No, sir, I just -- 19 Q. Okay. Then let's go on to the next 20 exhibit. And this is Exhibit 61. 21 (Patterson Deposition Exhibit 61 22 marked.) 23 Q. (BY MR. TILLERY) If we can pull this 24 one up. 25 A. It's loaded, sir.

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Page 522 1 Q. All right. In a follow-up to the 2 incident that we just talked about, the USDA told 3 Chevron that a lack of protective clothing might 4 be a problem; right? If you read this. 5 [Document review.] 6 A. Yes, sir, I've completed reading. 7 Q. All right. So can you give us the 8 date of the document? June 21st, 1965? Does that 9 look correct? 10 A. Yes, sir, that's correct. 11 Q. And can you read into the record, the 12 fourth paragraph? Just so we're clear, this is to 13 A. A. B. Swan, isn't it? From Mr. Toland? 14 A. Yes, sir, it is. 15 Q. So Mr. W. G. Toland, manager resource 16 development at Chevron, writing and reporting back 17 to Swan at ICI about this event, right? 18 A. Yes, sir. 19 Q. Okay. Now, what does he say in the 20 paragraph starting with "Mr. Ward"? 21 A. It says: Mr. Ward at the time of 22 Reed's visit, made the statement that he was 23 seriously considering the policy of refusing to 24 grant extensive registrations for Paraquat 25 formulations until further information relative to	Page 524 1 this until I go to the end of the letter. 2 Q. Go ahead. 3 A. I don't know if I have control -- oh. 4 I don't think I have control of the document. 5 Q. You should have. 6 MR. ORLET: You just push the 7 button on the right. 8 THE WITNESS: All right, yeah, I 9 apologize. The little arrows that pop up to 10 change the pages aren't coming up. 11 There they are. Nope. 12 Q. (BY MR. TILLERY) Are they coming up 13 now? 14 A. I think it's coming up. I think 15 someone is changing the pages for me. 16 Q. Yeah, we're trying to move you down in 17 the document. 18 A. So it looks like it's from Dr. Swan. 19 Q. Okay. And why don't you go to the 20 last page of the exhibit. 21 And do you see his report. And 22 this is dated 27th of January 1965. The very 23 beginning of your marketing and sale of paraquat 24 products at Chevron; correct? 25 A. Yes, sir, that's correct.
Page 523 1 the subacute dermal hazard for Paraquat could be 2 determined. Mr. Ward stated that based on the 3 toxicology information to date, no unpleasantness 4 or symptoms would appear from repeated exposures 5 until a toxic or fatal dose may have been 6 absorbed. He felt that this type of response with 7 these workers who would discard the protective 8 clothing, that is recommended, might result in the 9 workers accumulating a serious or fatal dose. 10 Q. Okay. So as of June 21st, 1965, this 11 was information known to Chevron Chemical and ICI; 12 correct? By virtue of this letter? About how it 13 was actually being used in El Salvador? 14 A. Yes, sir, that's correct. 15 Q. All right. Let's go to Exhibit 62. 16 (Patterson Deposition Exhibit 62 17 marked.) 18 A. All right. It's loaded. 19 Q. All right. If you'd take a look at 20 this document and tell us first of all what it is. 21 A. This is a letter from ICI to 22 Dr. Toland at Chevron, Dr. Toland being the 23 manager of research and development on 24 January 27th, 1965. 25 I do not know who from ICI sent	Page 525 1 Q. And Dr. Swan had what role at ICI? 2 A. My recollection, sir, is that he was 3 responsible for health and safety and toxicology. 4 Q. He had a very high role at the 5 company, didn't he? Very responsible position? 6 Correct? 7 A. Sir, I couldn't speak to how his role 8 was viewed at ICI. 9 Q. Okay. But he reports that there were 10 field investigations about the hazard to spray 11 operators from the use of paraquat, and they did a 12 small-scale investigation of four operators using 13 a variety of spray equipment for a week. It was 14 carried out at Plant Protection in 1963. Do you 15 see that? 16 And he reports that -- 17 A. Sir, I'm sorry, the document is 18 switching around. It just came to that part where 19 I believe you were -- 20 Sorry, it was switching around. I 21 don't know where you're referring to. 22 Q. The first page. Sorry. 23 Thank you. Do you see that, the 24 very first paragraph? 25 A. Yes, sir, thank you.

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Page 526 1 Q. So he's referring to field 2 investigations, paraquat dichloride; is that 3 right? 4 A. Yes, sir, it is. 5 Q. Small-scale investigation in four 6 operators, using a variety of spraying equipment 7 for a week, carried out at Plant Protection in 8 July 1963. Do you see that? 9 A. Yes, sir. 10 Q. Men wore gloves and goggles only when 11 handling concentrate, and otherwise wore their 12 ordinary working dress when carrying out spraying 13 operations. 14 Operators A and C both spilled 15 concentrate over the skin of their forearm once 16 during the operation. This was washed off with no 17 ill effect. No ill effect attributable to 18 exposure seen during or after. Do you see that? 19 A. Yes, sir. 20 Q. Now, by this time certainty, Chevron 21 was aware of how applicators, handlers, mixers, 22 loaders, sprayers of paraquat were handling the 23 materials in the fields, weren't they? 24 A. Sir, by 1965? 25 Q. Yes. Through these reports. We're	Page 528 1 A. Sir, I believe that there were 2 multiple exposure studies that Chevron was aware 3 of or took part in or collaborated with. 4 Q. Well, which one? Because what I want 5 to know is the ones where they conducted them or 6 took part in. Which ones did they do? 7 A. Sir, I would have to go back to the 8 documents and pick out the ones that they were 9 solely responsible for. Because I don't feel -- I 10 don't feel comfortable recalling off the top of my 11 head which ones -- because there are multiple 12 exposure studies, so I don't feel comfortable 13 recalling which ones may have only been done by 14 Chevron, and were not, for example, part of a 15 collaboration. 16 Q. Well, then include the ones that were 17 part of a collaboration. I mean to include any 18 one where Chevron was involved, either by 19 themselves or in collaboration. Which ones did 20 they become involved in where they measured, 21 evaluated, observed how people who used their 22 paraquat product in the field acted? 23 A. I'm sorry, I don't believe that the 24 intent of those studies was to measure how they 25 acted. It would have been as a byproduct, so to
Page 527 1 seeing these reports. 2 A. Sir, yes, they saw this report from 3 El Salvador and then they would have seen this one 4 from Dr. Swan. 5 Q. Did Chevron ever conduct studies, 6 field studies where they did observational work of 7 applicators of paraquat? 8 A. Sir, I believe there were various 9 exposure studies that Chevron were aware of or 10 were doing related to the application of paraquat. 11 MR. TILLERY: I move to strike 12 your answer as unresponsive. 13 Q. (BY MR. TILLERY) My question is: Did 14 Chevron ever conduct studies where they did 15 observational analysis of applicators of paraquat? 16 Did they conduct them? 17 A. Sir, would you please define what -- 18 so -- 19 Q. Observational study is when you go out 20 and look at somebody. You watch them. You record 21 what they do. 22 A. Sir, I believe that would have been 23 done in the context of an exposure study. 24 Q. Okay. And an exposure study was then 25 done by Chevron?	Page 529 1 speak, of the overall study looking at exposure. 2 You would have observed how they acted, you know, 3 for example how many times a day did they apply, 4 what were they wearing. That would go into an 5 exposure assessment, sir. That's what I'm trying 6 to express. 7 Q. That's fine. That's fine. Which ones 8 did they do that in? 9 A. Sir, I would need to consult the 10 documents to give you the exact studies. 11 Q. Okay. Why don't you do that. Do you 12 have them with you right now? 13 A. Sir, I think I have a few studies 14 on -- 15 Q. What I want to know, all of the 16 exposure studies that Chevron either conducted or 17 was part of in some way. 18 A. Okay. 19 Q. Either in some way, so if you would 20 take the time to find those for me right now. 21 A. Okay. Sir, shall we take a break and 22 I'll come back or do I need to -- 23 Q. However you want to do it. If you 24 want to take -- can you do that -- can you find 25 them fairly quickly?

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Page 530 1 A. Sir, I'll do my best to do them in the 2 next 15 minutes. 3 Q. Oh, okay. Well, we'll take a break 4 then, in that case. All right. Thank you. 5 THE VIDEOGRAPHER: Going off the 6 record. The time is 2:45 p.m. 7 (Recess taken, 2:45 p.m. to 8 3:08 p.m. PDT) 9 THE VIDEOGRAPHER: We are going 10 back on the record. The time is 3:08 p.m. 11 Q. (BY MR. TILLERY) Have you found the 12 documents that you were searching for during the 13 break, sir? 14 A. Yes, sir, I did. 15 Q. Okay. Why don't you read the titles 16 and the Bates numbers into the record? 17 A. Okay. So it's CUSA-00293432, and it's 18 a letter from ICI to Chevron in July of 1981. 19 And it refers to a copy of Graham 20 Chester's paper. So Graham Chester's paper. The 21 Bates stamp I have on it is CHEV 59811. It's a 22 public case called Occupational Exposure and Drift 23 Hazard During Aerial Application of Paraquat to 24 Cotton. 25 Q. Would you give us that Bates number	Page 532 1 strike your answer as unresponsive. 2 Q. (BY MR. TILLERY) My question: Who at 3 Chevron participated in the design of the study? 4 A. Sir, I'd have to further consult the 5 documents. 6 Q. You don't know that? 7 A. Yes. 8 Q. All right. What contribution did 9 Chevron make to this study design and development? 10 A. Sir, I believe they assisted with the 11 protocol development and the design, based on my 12 recollection of the documents that I read. 13 Q. Okay. And what did they do in terms 14 of developing the protocol? 15 A. Sir, for that I'd have to go spend 16 further time in the documents to make a list of 17 what their contributions were. 18 Q. Right now you can't answer my 19 question, can you? 20 A. No, sir, I can't without additional 21 research. 22 Q. All right. And how much did Chevron 23 pay for that study? 24 A. I'm sorry, I don't have a cost. 25 Q. Right now you can't answer that
Page 531 1 again, please? 2 A. So the second one was CHEV 59811. 3 And that's publication titled 4 Exposure and Drift Hazard During Aerial 5 Application of Paraquat in Cotton by Chester and 6 Ward. 7 And this was the one I was 8 referring to where Chevron was involved. It 9 wasn't a study that they did on their own. It was 10 a study that they consulted on with ICI in the 11 design and the preparation of the exposure study. 12 Q. So did you pay for part of that study? 13 A. Sir, I don't know. I would have to 14 further consult the documents on the cost and who 15 paid for it. 16 Q. Okay. And who at Chevron was involved 17 in the development of the study? 18 A. I don't know the names. I just know I 19 remember -- I remember seeing multiple 20 communications back and forth. I did not have 21 time to find those communications, but what I did 22 find was this as an example where it says this is 23 a description of the work carried out in 24 California in which Chevron cooperated. 25 MR. TILLERY: Okay. I move to	Page 533 1 question, can you? 2 A. No, sir, I can't. 3 Q. All right. Now tell me any other 4 study that Chevron designed or participated in or 5 paid for that involved exposure to paraquat by 6 applicators or users of the chemical. 7 A. So outside of any formulation, studies 8 with the formulation of paraquat at Chevron 9 facilities, I don't recall any other in the 10 documents at this time. 11 Q. Okay. So the Chester and Ward study 12 is the only study that you believe Chevron was 13 involved in; right? Exposure study. 14 A. Based on my recollection and review of 15 the documents at this time, yes, sir. 16 Q. Do you know the difference between an 17 exposure study and an observational study? 18 A. In general terms, I believe so, sir. 19 Q. What's the difference? 20 A. So an observational study? 21 Q. Yes. 22 A. An observational study is a very broad 23 term, where you essentially observe, observe and 24 take notes on what's occurring. 25 Q. So if your endpoint or your study

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Page 534 1 parameters were to determine how people used your 2 product, you'd have people who are skilled and 3 trained to make objective observations and make 4 objective records of what they see, and they would 5 go out and watch people use paraquat; correct? 6 A. Sir, I believe that that's an accurate 7 statement of what an observational study could be, 8 yes. 9 Q. Did you at Chevron ever do an 10 observational study for the applicators of 11 paraquat? 12 A. Based on what I reviewed in a 13 document, no, sir. 14 Q. Were you aware of the fact that 15 Chester and Ward, the people that you said were 16 the outside people, were employed by ICI? 17 A. Yes, sir. 18 Q. Okay. So when you just told us that 19 they were -- I must have been confused by your 20 statement. You understood at the time you told 21 me, after the break, that these were people from 22 ICI who did the study; right? 23 A. Yes, sir. It was an ICI study that 24 Chevron collaborated on based on my recollection 25 of the documents and --	Page 536 1 exhibit, would be No. 63. 2 (Patterson Deposition Exhibit 63 3 marked.) 4 Q. (BY MR. TILLERY) And I'm going to ask 5 that a document Syngenta 02509837 be put up for 6 you to review. It's a two-page letter. 7 Do you have control of the 8 document, sir? 9 A. Yes, sir, I do. 10 Q. All right. Go ahead. You can read 11 the whole document but we'll probably be looking 12 at just the first page. 13 [Document review.] 14 A. Okay, sir, I've read the document. 15 Q. All right. Let's put up the first 16 page on display, please. 17 This is a letter dated June 22nd, 18 1965; right? 19 A. Yes, sir, that's correct. 20 Q. And it's from Dr. Swan, the 21 A. A. B. Swan, the person we've been talking about 22 at ICI; correct? 23 A. Yes, sir, that's correct. 24 Q. And he's sending this again to W. G. 25 Toland, Manager, Research & Development at the
Page 535 1 Q. And Chevron -- 2 A. -- and what I provided to you. 3 Q. And have you since -- you told me a 4 few minutes ago you didn't know what they did. 5 Have you thought of anything else that they did? 6 A. No, sir. 7 Q. All right. So now, past Chester and 8 Ward in an ICI study, nothing else that you know 9 of including an observational study that Chevron 10 did in the 21 years that it formulated and sold 11 paraquat; right? 12 A. In terms of an observational study, I 13 don't recall seeing one in the documents I 14 reviewed. 15 Q. Well, in terms of anything like the 16 Chester and Ward study, an exposure study, was 17 there anything else Chevron did? 18 A. Based on the review of the documents, 19 I don't recall anything specific that Chevron did. 20 There were multiple exposure studies available to 21 them, but I don't recall them commissioning one on 22 their own. 23 Q. Or doing it themselves; right? 24 A. Correct. 25 Q. All right. Now let's go to the next	Page 537 1 Chevron Chemical Company; at that time known as 2 California Chemical Company before it became 3 Chevron Chemical Company; right? 4 A. Yes, sir, that's correct. 5 Q. And Ortho Division. And he writes him 6 a letter. And this is a two-page letter. And he 7 copies several people on it. And I want to direct 8 your attention to the part where it's numbered 9 No. 1. Do you see that? 10 A. Yes, sir. 11 Q. Where it says nose bleeding. 12 And it says: This has been far 13 and away the commonest effect and has invariably 14 been the result of inhaling spray mist or the 15 droplets arising from splashing during careless 16 mixing. In severe exposure, as occurred two years 17 ago in Malaya when mist-blowers were used to spray 18 paraquat for a short period in circumstances 19 outside our control, the nasal mucosa was 20 described by a local doctor as severely inflamed. 21 Measured to prevent inhalation eliminate this 22 effect and the nasal mucosa returns to normal when 23 exposure stops. 24 It's difficult to estimate the 25 frequency of this effect since it depends entirely

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Page 538 1 on how careful the operators are to avoid inhaling 2 the spray and, of course, on the type of spray 3 machinery used. Do see that? 4 A. Yes, sir. 5 Q. So this went to basically the head of 6 research and development at Chevron, this 7 communication, just as you started selling 8 paraquat; right? 9 A. Yes, sir. 10 Q. And he's talking about a summary of 11 his experience from -- and I think in the first 12 paragraph he's referring: To your letter of 13 June 14th and the attached letter from the U.S. 14 Department of Agriculture dated June 3rd. A 15 summary of our experience of human exposure to 16 paraquat up to the time the petition for temporary 17 tolerances on cottons was prepared was given in my 18 letter to you dated January 27th, and was 19 submitted as part of Section C. of the petition. 20 That's how he opens this up. 21 A. Yes. 22 Q. And he says: The following range of 23 effects has been seen either in operators or 24 workers engaged in manufacture; right? 25 A. Yes, sir.	Page 540 1 Q. Is that kind of a long-winded way of 2 saying you didn't do anything? 3 A. Sir, there's nothing in the documents 4 that I reviewed where we look at the mode of 5 action for nose bleeding. 6 Q. So, again, can you agree with me, 7 Chevron did nothing with this information; is that 8 a correct statement or not? 9 MR. ORLET: Object to the form. 10 Q. (BY MR. TILLERY) Other than -- 11 A. Sir -- 12 Q. Other than filed it away as a fact 13 that you heard from your partner in the business. 14 A. Sir, I believe that we did -- we did 15 take this information into consideration. My 16 understanding was that you were talking about 17 investigating the mode of action as opposed to, 18 for example, making sure that nose bleeding as an 19 effect didn't occur, which Chevron did take action 20 on that course. 21 Q. And did you require respirators? 22 A. Sir, the -- on the label of the 23 product, if there was a possibility for spray mist 24 to be inhaled, then respirators were put on the 25 label for the prescribed use.
Page 539 1 Q. So these are the people who work 2 around the chemical, and it's referring to them as 3 people who have inhaled the chemical; right? 4 Inhaled some mist or droplets; right? 5 A. Yes, sir, inhaled spray mist or 6 droplets. 7 Q. Right. As of June 22nd, 1965, Chevron 8 was on notice that at least in the manufacturing 9 sector of paraquat, that if you inhaled spray mist 10 or droplets, it would cause nose bleeding. Is 11 that a fair statement? 12 A. Yes, sir. 13 Q. Now, what did -- strike that. What 14 did Chevron do to assess what was causing paraquat 15 to cause nose bleeds? 16 A. Sir, I don't believe they -- I don't 17 recall seeing documents evaluating the mechanism; 18 however, paraquat can be very corrosive, so it's 19 most likely that that would be the reason why it 20 was causing nose bleeding. And it's consistent 21 with the inflammation in the nasal mucosa of an 22 irritating material. 23 So I don't believe there was, you 24 know, any follow-up on what the mode of action of 25 nose bleeding was in the documents I reviewed.	Page 541 1 Q. And did you ever conduct studies to 2 see if respirators would keep paraquat from 3 entering the bloodstream of a human applicator? 4 A. Sir, I don't recall Chevron ever 5 conducting those studies, but I do recall seeing, 6 in the documents that I reviewed, information, 7 exposure assessments where they would have looked 8 at, you know, different forms of PPE. But I would 9 have to recall -- I'd have to review them to see, 10 but I'm -- I don't recall Chevron commissioning a 11 study to that end. 12 Q. So we can get a clear answer, Chevron 13 never did a study of an applicator or multiple 14 applicators to see if they wore respirators if it 15 would keep paraquat out of their bloodstream, did 16 it? 17 MR. ORLET: Object to the form. 18 THE WITNESS: I'm not aware of, in 19 the documents that I've reviewed, I did not see 20 Chevron itself doing that study. 21 MR. TILLERY: All right. So let's 22 go to -- this is number 64. We're going to be 23 moving on to 64. 24 (Patterson Deposition Exhibit 64 25 marked.)

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Page 542 1 THE WITNESS: It's loaded. 2 Q. (BY MR. TILLERY) Okay. I think this 3 was in your collection of documents, so presumably 4 you read this one in preparation for the 5 deposition; right? 6 A. I would need to look at the document 7 to tell you that, sir. 8 Q. Go ahead. Take your time. 9 [Document review.] 10 A. Yes, sir, I've read the first page and 11 I have reviewed this document. 12 Q. Did you review this just recently as 13 part of the documents we sent you? 14 A. Perhaps. Sir, I -- it's hard to 15 remember where all the documents come from. 16 Q. So you told me what it is? 17 A. Yeah, this is -- 18 Q. This is, by the way, so we're clear on 19 the record before you speak and for counsel on 20 this deposition, is CUSA-00364742. And it is a 21 three-page letter dated May 18, 1966 from 22 A. A. B. Swan to Dr. W. G. Toland, Manager, 23 Research & Development; the same two gentleman we 24 have been talking about who have been 25 communicating previously.	Page 544 1 general I think the skull and crossbones would 2 also convey just the general hazards, just how 3 hazardous the material is, it has a skull and 4 crossbones on it. 5 Q. And in this letter, the information, 6 he says, in paragraph 2: The information it is 7 proposed to communicate, quote, to everyone 8 engaged in marketing and recommending paraquat, 9 end quote, contained in the letter of the 21st 10 April to Mr. M. E. Wierenga, puts the hazards of 11 paraquat completely out of perspective. There are 12 many agricultural formulations on the market far 13 more poisonous orally than paraquat concentrate 14 and for which there are no specific antidotes. 15 Do you see that? 16 A. Yes, sir, I do. 17 Q. Is there an antidote for paraquat? 18 A. Sir, based on my review of the 19 documents up until '86, there were treatments. 20 And it's not necessarily in an antidote -- sorry, 21 sir, I don't mean to have a long-winded 22 explanation, but I think of an antidote as, you 23 know, one additional chemical or pill that can 24 reverse the effects. And there were multiple 25 levels of treatment that had been developed to
Page 543 1 So tell me what this is. 2 A. So, sir, in this letter, Dr. -- or 3 Mr. Swan, is -- to summarize, is writing to 4 Chevron saying they don't agree with increasing 5 the label warnings essentially to the skull and 6 crossbones poison type label because they believe 7 that it doesn't merit that level of toxicity based 8 on the information that they had at the time. 9 Q. So had Chevron suggested using skull 10 and crossbones on the label? 11 A. Sir, that is my understanding, is that 12 Chevron was moving towards putting a skull and 13 crossbones on the label concordant with the more 14 severe category for acute toxicity despite what 15 the animal data said, to ensure that the label was 16 able to express the potential hazards of misuse of 17 the material. 18 Q. Oh, you mean with drinking it? Aren't 19 you? 20 A. Drinking it -- yeah, accidental 21 ingestion or suicide. 22 Q. Right. This was, the skull and 23 crossbones, was to convey to people, don't get it 24 in your mouth; right? Don't drink it. 25 A. Sir, that's one aspect of it. In	Page 545 1 combat the effects of paraquat poisoning after 2 ingestion. 3 MR. TILLERY: Okay. I move to 4 strike your answer as unresponsive. 5 Q. (BY MR. TILLERY) Is there an antidote 6 for the ingestion of paraquat, sir? 7 A. There is recommended treatment for 8 paraquat after ingestion. 9 Q. I'm not going to ask you again. That 10 one we're going to take to the Court. That one is 11 an example. I'm going to use that one as the case 12 in chief for presenting him in St. Clair County; 13 okay? I'm going to move to compel that answer in 14 court. 15 So that was a simple question. I 16 don't know how you've been trained to answer, but 17 I'm going to tell you something, it isn't going to 18 work here. Because I don't -- I'm too old to put 19 up with it. So bottom line -- 20 A. Sir -- 21 Q. Excuse me. You're refusing to answer 22 a direct question. It's very simple. It's not 23 unfair. I ask you is there an antidote for 24 paraquat and you're refusing to answer. That's 25 okay, but --

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Page 546 1 A. Sir, if I -- 2 Q. Excuse me. I'll take this to the 3 Court and let him watch your film and let him read 4 the transcript and see if you need a trip here to 5 finish your deposition in a courtroom. So let's 6 go on. 7 A. Sir, if I may? 8 Q. What? 9 A. I mean no disrespect. I am doing my 10 best to answer the questions as I understand, and 11 it's completely as I'm trained as a scientist, 12 sir. I'm looking at the antidote and trying to 13 provide you the information of what Chevron has 14 done. I'm not necessarily trying to skirt the 15 question. 16 Q. You have a Ph.D. in toxicology. You 17 certainly, I assume, at some point, have had some 18 classes that teach you the difference between 19 treatment and antidote: Okay? You understand 20 fully the difference but you're unwilling to 21 answer the question. But that's okay, but I'm 22 going to ask the Court to order you to come here 23 and answer the question in a courtroom, 24 videotaped, so that we can get it done. Now let's 25 move on.	Page 548 1 always do that. 2 Go off the record. 3 THE VIDEOGRAPHER: Going off the 4 record. The time is 3:37 p.m. 5 (Recess taken, 3:38 p.m. to 6 3:44 p.m. PDT) 7 THE VIDEOGRAPHER: We are going 8 back on the record. The time is 3:44 p.m. 9 Q. (BY MR. TILLERY) Sir, is there an 10 antidote for orally ingested paraquat? 11 A. Sir, based on my review of the 12 document, up until 1986, '87 time frame, I did not 13 come across an antidote for paraquat. 14 Q. Now, if we go back to this exhibit, 15 60 -- yeah, this one. 64. 64. It's up there on 16 the screen. 17 If you go to the last paragraph, 18 it says: Paraquat's toxic property of special 19 concern is its inhalation toxicity. Okay? 20 A. Yes, sir. 21 Q. So far, despite very widespread use, 22 the only untoward effect of accidental spray 23 inhalation has been nose-bleeding or soreness of 24 mouth and throat. 25 Do you see that?
Page 547 1 MR. ORLET: He's answering the 2 question giving you the distinction between the 3 two. So he tried to answer you. 4 MR. TILLERY: Well, that's part of 5 your argument, Joe. That's -- 6 THE WITNESS: Sir, I can answer 7 that question, that there's no antidote, but 8 there's a treatment. 9 Q. (BY MR. TILLERY) No, I didn't ask you 10 about treatment. I know what the treatments are. 11 I asked you is there an antidote for the oral 12 ingestion of paraquat, and that's what I asked 13 you, and you wouldn't answer. 14 So if -- if you don't want to 15 answer it, that's okay, but I'm just -- I'm just 16 telling you and signaling to you that I'm not 17 planning on spending the deposition time dealing 18 with playing these games. I'm not. 19 Now, do you want to answer -- 20 A. I'm not playing games -- 21 Q. Do you want to answer my question, 22 straight up? 23 A. Sir, do you mind if I meet with 24 counsel for a few minutes? 25 MR. TILLERY: Absolutely. You can	Page 549 1 A. Yes, sir, I see that's what it says. 2 Q. Lung injury from inhalation is a 3 laboratory phenomenon, caused by respirable 4 aerosols which are technically difficult to 5 produce, and it has not occurred in man. It 6 therefore conveys an entirely false impression to 7 suggest that lung injury is as likely to result 8 from inhalation of spray mists in the field as 9 effects on the nose and throat. 10 It is also hardly correct to 11 describe the nose and throat irritation as 12 "serious". Field experience indicates that the 13 inflammation of nasal and pharyngeal mucosa 14 rapidly resolves when exposure is stopped. 15 Is that what it says? 16 A. Yes, sir, that's what the document 17 states. 18 Q. And then if we go to the next page, 19 middle of the page. 20 We take care of the, quote, spray 21 mist, end quote, hazard by warning against the use 22 of air-blast sprayers, and we recommend the use of 23 respirators only where the type of spray equipment 24 or application warrants this precaution. 25 Do you see that?

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Page 550 1 A. Yes, sir, I do. 2 Q. What's an air-blast sprayer? 3 A. Sir, I'm not familiar with what an 4 air-blast sprayer is, and I don't recall it ever 5 being used or recommended for any of the Chevron 6 uses of paraquat or in any of the other documents 7 related to the use of paraquat. 8 Q. So how was this dispute resolved? Was 9 it a dispute between ICI and Chevron? 10 A. Sir, I don't know if I would 11 characterize it as a dispute. I believe it was a 12 discussion on the most appropriate warnings to put 13 on the label. 14 Q. Well, was there consensus reached 15 about the use of skull and crossbones? 16 A. Yes, sir, I believe starting in the 17 1968, '69 time period, the skull and crossbones 18 were put on the label. 19 Q. And was that as a result of Chevron's 20 activity? 21 A. Yes, sir, based on my reading of the 22 documents, my understanding was that's what 23 Chevron was pushing for and wanted. 24 Q. Okay. Well, let's go to Exhibit 65. 25 Now, remember, before we do that,	Page 552 1 this document is, what, nine days later? 2 A. About nine days. 3 Q. Eight days later? Okay. 4 And just for the record, he's 5 saying: During my visit to Chevron Chemical 6 Company, Ortho Division, on May 25th, 1966, 7 Dr. G. S. Hensill told me that their Management 8 had made the decision not to use a Poison label 9 including the skull and crossbones on Paraquat. 10 This decision has been made even though the 11 warning had been recommended to them in a 12 memorandum from Dr. T. W. Reed. I had reviewed 13 and concurred with his recommendation on 14 April 20th, 1966. On April 27th, Mr. J. A. Spence 15 also reviewed and agreed with these 16 recommendations. On the same day, Mr. Spence 17 talked with Dr. J. C. Calandra of the Industrial 18 Biotest Laboratory who had reviewed the toxicity 19 data on Paraquat for Ortho, and also recommended 20 the Poison warning label. 21 Other than these rather informal 22 requests from Dr. Reed, we have not been asked to 23 give an opinion on the proper labeling... 24 Do you see that? 25 A. Yes, sir.
Page 551 1 the date of this document here was May 18, 1966. 2 So let's go to Exhibit 65. 3 (Patterson Deposition Exhibit 65 4 marked.) 5 THE WITNESS: Okay, it's loaded. 6 Q. (BY MR. TILLERY) So please take a 7 look at that, and please display this for the 8 Court and jury. 9 A. I'm sorry, would you like me to read 10 it? 11 Q. No, I was asking the technician to put 12 it on, up for display. 13 A. I apologize. 14 Q. If you wouldn't mind, go ahead and 15 read it, please. 16 A. Okay. 17 [Document review.] 18 A. So this is a memorandum to file, San 19 Francisco, California, May 27, 1966, paraquat 20 warning label. 21 Q. And this is seven days later, isn't 22 it? 23 A. Yes, sir, I believe it's around that. 24 Q. So if the exhibits, Exhibit 64 that we 25 looked at, was May 18, 1966, which it clearly is,	Page 553 1 Q. Did you read that before this 2 deposition? 3 A. Sir, the document looks familiar. 4 Q. And it says that the management had 5 made the decision not to use a poison label 6 indicating skull and crossbones on paraquat in the 7 first sentence, doesn't it? 8 A. Yes, sir. 9 Q. All right. Now let's go to the next 10 exhibit, if we can, 66. 11 (Patterson Deposition Exhibit 66 12 marked.) 13 THE WITNESS: Okay, it's loaded. 14 Q. (BY MR. TILLERY) Okay. Have you seen 15 this document before? 16 [Document review.] 17 A. Sir, I've either seen this or 18 something very similar to this. 19 Q. And this was a document that was sent 20 to Chevron's marketing personnel, wasn't it? 21 A. Yes, sir, it's addressed to all 22 marketing personnel. 23 Q. And it states that: Even though 24 Diquat and Paraquat do not carry the skull and 25 crossbones and poison label of normal pesticides,

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Page 554 1 they are hazardous; correct? 2 A. Yes, sir. 3 Q. And look at the paragraph in the 4 middle of the page. Note that both labels contain 5 a "warning" about the effects following exposure. 6 Medical attention is recommended following 7 exposure. It is vital to study and know and 8 practice the warnings instructions on the label as 9 its toxic effects are cumulative and delayed. 10 Do you see that? 11 A. Yes, sir, that's what the document 12 states. 13 Q. Now, did you ever put a warning or 14 recommend putting on a warning on a container of 15 paraquat that its effects are cumulative and 16 delayed? 17 A. No, sir. Based on my review of the 18 documents, I do not recall seeing a proposal to 19 put anything related to cumulative and delayed 20 effects on the label, although I do believe 21 that -- I remember seeing the cumulative and 22 delayed possibly on certain labels or bulletins 23 around this time frame, but I would need to 24 double-check that. 25 Q. So you're telling me that you've seen	Page 556 1 Can we go off the record while he 2 looks for this? 3 MS. KNOBRIKAWA: Yes, Syngenta's 4 counsel is on the phone. 5 MR. TILLERY: Can we go off the 6 record while he looks, Mr. Videographer? 7 THE VIDEOGRAPHER: Going off the 8 record. The time is 3:58 p.m. 9 (Recess taken, 3:58 p.m. to 10 4:04 p.m. PDT) 11 THE VIDEOGRAPHER: We are back on 12 the record, the time is 4:00 p.m. 13 Q. (BY MR. TILLERY) So we've taken a 14 break so that you could look through your 15 documentation and your reliance material to answer 16 my question. And have you found some reference 17 material that helps you answer my question, sir? 18 A. Yes, sir. 19 Q. Okay. So here's my question. We were 20 looking at a document dated July 25, 1966, 21 discussing the label and -- with all marketing 22 personnel of Chevron. And in that, there was a 23 reference to the fact that marketing personnel 24 should know that it is vital to study and know the 25 practice -- I'm sorry, it is vital to study and
Page 555 1 the words "cumulative and delayed effects" on a 2 label of paraquat; right? 3 A. I would need to look at it and see 4 if -- if my memory is accurate to see if the -- if 5 that was present in some of the early labels. 6 Q. Can we get a straight answer to my 7 question, sir? 8 Did Chevron ever make any 9 recommendation or put on the label of any 10 container of paraquat-formulated products that it 11 sold that its toxic effects are cumulative and 12 delayed? 13 A. Sir, if I may have a few minutes to 14 consult the documents. 15 Q. Of course. 16 MR. ORLET: Take one last break 17 and then finish up? 18 MR. TILLERY: All right. Can he 19 finish this -- can he finish this question first? 20 MR. ORLET: Yeah, that's fine. 21 MR. TILLERY: Then we'll -- I 22 mean, we can finish whenever you want. It's your 23 call on the top, I've told you that. Whatever you 24 want to do. 25 Is Syngenta's counsel on the call?	Page 557 1 know and practice the warnings instructions on the 2 labels as its toxic effects are cumulative and 3 delayed. And my question to you was did Chevron 4 ever recommend inclusion of the warning label of 5 any container of paraquat having the words "its 6 toxic effects are cumulative and delayed"? 7 A. Sir, to answer your question, the 8 "cumulative" word isn't there, but if you referred 9 to CUSA-00145395 to 00145404, in that is a letter 10 discussing the labels. 11 And so on CUSA-145397, there is a 12 label, and it does say symptoms of injury may be 13 delayed. 14 Q. Okay. Doesn't say toxic effects are 15 cumulative and delayed, does it? 16 A. No, sir, it does not. 17 Q. Do you happen to know whether or not 18 paraquat gets into the brains of applicators when 19 they use it as directed? 20 A. Sir, the only documents that I'm aware 21 of are studies that looked at the distribution of 22 paraquat in cases of lethality, and that's when 23 they look at the brain. 24 I don't know if I answered your 25 question. I'm not trying to -- maybe you can ask

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Page 558 1 your question again. 2 Q. You told me that basically cadaver 3 studies show that it gets in the brain; right? 4 A. No, sir, I don't -- I believe your 5 question was related to if there's any studies 6 looking at applicators; and the use and 7 application of paraquat, if there's any studies 8 that look at the paraquat distribution in the 9 brain under those circumstances. And I'm not 10 aware of any studies that have done that. 11 Q. Are you aware of whether or not 12 paraquat crosses the blood-brain barrier in a 13 human being? 14 A. Based on the documents that I 15 reviewed, Chevron concluded that it's unlikely and 16 not very proficient at crossing the blood-brain 17 barrier. 18 Q. And do you have any knowledge one way 19 or another whether paraquat accumulates in the 20 brain? 21 A. Sir, other than the few studies that 22 were done, I believe by ICI, in animal studies, I 23 believe those were the studies that Chevron was 24 aware of. 25 Q. So you don't know one way or another	Page 560 1 Contact with dilute liquid or dust formulations of 2 Paraquat may result in skin or eye irritation. 3 These effects are reversible. Do you see that? 4 A. Yes, sir. 5 Q. Exposure to spray mists may cause the 6 following symptoms: skin irritation, nasal 7 bleeding, irritation and inflammation of the mouth 8 and upper respiratory tract, cough, chest pain, 9 asthmatic attacks, frontal headache, vomiting and 10 pain and swelling of the joints. Right? 11 A. Yes, sir, that's what the document 12 states. 13 Q. Now, who created this document? 14 A. Sir, I would need to review it again. 15 If we can go back to the beginning of this 16 document? 17 Q. Of course. We'll take you right back 18 to the beginning. 19 A. Okay. Right. This is the letter to 20 the marketing personnel, that's an internal 21 Chevron Chemical communication. 22 Q. Was this communication consistent with 23 the same types of statements or of the same 24 subject matter that were being made at the same 25 time by Chevron to the public?
Page 559 1 whether it does or not, right? 2 A. Under what conditions? 3 Q. As I told you, where a person is 4 spraying the chemical as directed. 5 A. Sir, I'm not aware of any studies that 6 were done under those conditions. 7 Q. Okay. So you're not aware of it 8 getting into the bloodstream, passing through into 9 and through the blood-brain barrier and 10 accumulating in a human brain, are you? 11 A. Sir, based on my review of the 12 documents, I'm not aware of that. 13 Q. And did Chevron ever conduct any study 14 to determine whether paraquat accumulates in a 15 primate brain? 16 A. Based on my review of the documents, 17 sir, no, Chevron did not conduct any studies to 18 determine if paraquat accumulates in a primate 19 brain. 20 Q. Okay. So let's go to Chevron 21 SJ 0001669 of that same document. 22 If you look at the paragraph just 23 above treatment, do you see that? 24 A. Yes, sir. 25 Q. Follow along with me. It says:	Page 561 1 A. I'm sorry, sir, would you please have 2 the page go back to what you were just reading? 3 Q. Of course. Whatever page you'd want 4 to see. If you'd pull that up. It was 1669. 5 A. Sir, I can go to the same document 6 that I just showed you, and I can tell you exactly 7 what Chevron was saying at the same time period on 8 the label. 9 Is that okay? 10 Q. If you're directing us to the label, 11 are you directing us to the same label that you 12 just did? 13 A. Yes, sir. 14 Q. All right. So your answer is your 15 public statement is on that label; right? 16 A. Yes, sir. We would have -- what we 17 would have communicated to the public. 18 Q. Okay. So that was your public 19 communication, what was contained on the label 20 that you referred to a few minutes ago; correct? 21 A. Yes, sir. At this time frame, that 22 would have been the public information. Later on 23 we also provided material information, bulletins 24 and whatnot. 25 Q. Okay. Well, let's go to -- what's the

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Page 562 1 next exhibit number? 67. 2 (Patterson Deposition Exhibit 67 3 marked.) 4 Q. (BY MR. TILLERY) And the first 5 document that we'll show you, or pull up, is 6 00306398. 7 And then if you'd show the next 8 page, please. 9 So the first document you saw, the 10 first page says -- Mr. Reed, T. W. Reed said: The 11 attached compilation on Paraquat is going to all 12 of our own classified Field Research and Technical 13 Service personnel. We're also sending it to 14 varied staff members at Richmond. And it 15 references attachments. 16 And you see the first page, that 17 says Field Hazards of Paraquat and Diquat. Okay? 18 A. Yes, sir. 19 Q. And let's go to the next one, which is 20 hazards of paraquat and diquat. 21 And if you go to the second 22 paragraph, it says: When spray mist containing 23 Paraquat Or Diquat is inhaled severe irritation to 24 nose, throat and lungs can be expected and can 25 cause nose bleeding; right?	Page 564 1 A. Yes, sir, that's what the document 2 states. 3 Q. Okay. Now, if we can, are you able to 4 pull up the warning? Which is the last exhibit. 5 And that would be CUSA-00306407. 6 Do you see that, sir? 7 A. Yes, sir. 8 Q. Is this the ortho paraquat label you 9 were referring to? 10 A. It looks similar. I don't know if 11 it's the exact same CUSA, but it looks similar. 12 Q. Okay. Can you tell us what the 13 warnings say? It says, in the box, Warning: May 14 be fatal if swallowed, inhaled or absorbed through 15 the skin; right? 16 A. Yes, sir. 17 Q. Prolonged skin contact will cause 18 severe irritation. Do not get concentrate 19 material on skin, eyes or clothing. Repeated 20 contact with skin may increase danger of 21 absorption. Symptoms of injury may be delayed. 22 Is that what you were referring to? 23 A. Yes, sir. 24 Q. That's what you just said, it could 25 cause lung injury by delay, on the inside
Page 563 1 A. Yes, sir, that's what the document 2 states. 3 Q. Repeated exposure can be cumulative; 4 right? 5 A. Yes, sir. 6 Q. Symptoms of lung damage are often 7 delayed; right? 8 A. Yes, sir, that's what the document 9 states. 10 Q. So there's no reference to any 11 neurotoxicity, is there? 12 A. No, sir, this document does not 13 reference neurotoxicity. 14 Q. There's no reference to any delay with 15 respect to neurotoxicity of any kind, is there? 16 A. No, sir, there's no reference to 17 neurotoxicity or delay in neurotoxicity. 18 Q. What does the next five words say? 19 A. No effective antidote is known. 20 Q. Right. 21 And then down two paragraphs, this 22 says: Diluted Paraquat Or Diquat presents a 23 greater potential hazards than some herbicides in 24 that the toxic effects are cumulative and delayed; 25 right?	Page 565 1 document, didn't you? 2 A. Yes, sir. My understanding is the 3 intent is that the lung damage could arise over 4 time, so it's important to warn the user that 5 symptoms may not be immediate and they may come up 6 later, specifically related to exposure; because 7 many people think that if you're exposed to a 8 chemical, you're going to have immediate effects, 9 but that's not necessarily the case with paraquat. 10 Q. Because you could have some later lung 11 injury; right? 12 A. Yes, sir. 13 Q. That's what your documents say; right? 14 And then it says, in case of 15 accidental skin contact, wash immediately with 16 water, remove clothing and wash skin where 17 necessary. For eyes, wash thoroughly with water 18 and get medical attention. Wear face shield, 19 rubber gloves and rubber apron when handling 20 concentrate. Do not breath spray mist in order to 21 avoid nasal, throat and respirator tract 22 irritation; right? 23 A. Yes, sir. 24 Q. When spraying or when contacting 25 sprayed vegetation wet with spray, dew or rain

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1 wear waterproof footwear and clothing; right? 2 A. Yes, sir. 3 Q. Do not contaminate feed, foodstuffs or 4 drinking water; right? 5 A. Yes, sir. 6 Q. Is there any warning to your 7 knowledge, any words there that warn against 8 Parkinson's disease? 9 A. No, sir, there is not. 10 Q. Is there any warning whatsoever about 11 neurotoxicity? 12 A. No, sir, there is not. 13 Q. Is there any warning that would 14 indicate that paraquat gets into the brain of an 15 applicator? 16 A. No, sir, there's not. 17 Q. Any warning about redox cycling? 18 A. No, sir, there's not. 19 MR. TILLERY: Want to take a 20 few-minute break at this point? 21 MR. ORLET: Sure. 22 THE VIDEOGRAPHER: Going off the 23 record. The time is 4:23 p.m. 24 (Time noted: 4:39 p.m. PDT) 25 --o0o--	1 I HEREBY CERTIFY that I have read 2 this transcript of my deposition, and that 3 this transcript accurately states the testimony 4 given by me, with the changes or corrections, if 5 any, as noted. 6 7 8 9 10 X _____ 11 TIMOTHY PATTERSON 12 13 14 15 16 17 18 19 20 21 22 23 24 25
Page 567 1 CERTIFICATE 2 3 I, DEBRA A. DIBBLE RDR, CRR, Notary 4 Public, do hereby certify: 5 That TIMOTHY PATTERSON, the witness 6 whose deposition is hereinbefore set forth, was 7 duly sworn by me and that such deposition is a 8 true record of the testimony given by such 9 witness; 10 That pursuant to FRCP Rule 30, signature of 11 the witness was requested by the witness or other 12 party before the conclusion of the deposition; 13 I further certify that I am not related to 14 any of the parties to this action by blood or 15 marriage, and that I am in no way interested in 16 the outcome of this matter. 17 IN WITNESS WHEREOF, I have hereunto set my 18 hand on 7-2-2020. 19 20 21 _____ 22 Debra A. Dibble 23 Registered Diplomate Reporter 24 Certified Realtime Reporter 25 Notary Public My Commission Expires 5/3/2023	Page 569 1 ERRATA SHEET FOR THE TRANSCRIPT OF: 2 CASE NAME: Hoffmann v. Syngenta 3 DEP DATE: June 23, 2020 4 DEPONENT: TIMOTHY PATTERSON 5 Pg. Ln. Now Reads Should Read Reason 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 X _____ 25 TIMOTHY PATTERSON