

1 motion is, yes, denied. It's without prejudice.
2 If there is something more, you can come back. But
3 right now, what I saw was not the level of proof of
4 knowledge and complete disregard of the kind of
5 information that I could turn around and conclude
6 that the jury should be asked about punitive
7 damages at this stage.

8 Now, you talked about 7 million documents or
9 7 million pages or something like that, so maybe
10 you have something else. And I also know that we
11 were under a lot of time pressure today. And we
12 would be under time pressure in this kind of
13 hearing I think if we had been here for a full day.
14 This is the kind of case where things probably
15 could take as much time as you set aside for them.

16 But I just want to emphasize, it's a denial
17 without prejudice. So if you have something more,
18 you're welcome to come back. I really am just
19 purely looking at what the standard is. And I'm
20 recognizing that this is not an adjudication of
21 Syngenta's liability to the Willifords. It's
22 merely an adjudication of whether they can get on
23 the escalator in terms of damages with what they
24 have right now. Okay?

25 MR. BRAKE: Thank you, Your Honor.