

Exhibit 32

1 IN THE CIRCUIT COURT
2 TWENTIETH JUDICIAL CIRCUIT
3 ST. CLAIR COUNTY, ILLINOIS
4 --o0o--
5 DIANA HOFFMANN,)
 individually and as)
6 Independent Administrator))
 of the Estate of THOMAS)
7 R. HOFFMANN, Deceased,)
 et al.,)
8)
 Plaintiffs,)
9)
 vs.) No. 17-L-517
10)
 SYNGENTA CROP)
11 PROTECTION, LLC, et al.,)
)
12 Defendants.)

13
14
15 VIDEO-RECORDED VIDEOCONFERENCE DEPOSITION OF
16 TIMOTHY PATTERSON
17 CORPORATE REPRESENTATIVE FOR CHEVRON USA
18 VOLUME VI
19
20 January 22, 2021
21
22
23 (Beginning at 9:34 a.m.)
24

1 individuals responding and the time to response is
2 such that the survival rate of ingestion cases may
3 not be significantly improved."

4 Is that what it says?

5 A. Yes, sir, that's what it states.

6 Q. "There are" -- continuing -- "There are
7 serious discrepancies between the actual data
8 provided and what PPD has been telling us verbally."

9 Does it say that?

10 A. Yes, sir, it does.

11 Q. Okay. And then it continues, "In light
12 of this information, Ospenson and Cavalli will call
13 Braunholtz the morning of Tuesday, October 5,"
14 right?

15 A. Yes, sir.

16 Q. Okay. Then it continues on,
17 "Discussions then continued on the basis of two
18 assumptions: The added cost to the product would be
19 50 cents per gallon," right?

20 A. Yes, sir, that's what it states.

21 Q. And that would be the .05 level, right?
22 The anticipated level of PP-796 would be 50 cents
23 per gallon at that level.

24 A. That would be my assumption of what

1 assessment, so I believe that that's the entirety of
2 the human data.

3 Q. Right. And what I want to make sure is
4 that there's no other human data analysis ever
5 undertaken by either Chevron or Syngenta to your
6 knowledge other than the Bayliss July 23rd, 1973
7 study?

8 A. Yes, sir, if the Bayliss is the
9 entirety of the human data on that Rose document,
10 then, yes, sir.

11 Q. Okay. And it's been confirmed by Peter
12 Slade in the next paragraph I'm reading, "It has
13 been confirmed by Peter Slade (by telex) that this
14 report is the sole documentation of emetic action in
15 humans."

16 Is that what it says?

17 A. Yes, sir.

18 Q. And then he goes on to say, "This
19 report summarizes 11 different experiments in normal
20 and diseased human volunteers. A summary of the
21 induction of emesis follows."

22 Okay? Do you see that?

23 A. Yes, sir.

24 Q. Okay. So this is the human data

1 **they're relying on, right? And Cavalli is reviewing**
2 **it, correct?**

3 A. Yes, sir. Again, if that would -- just
4 with the caveat that this is all from that Rose
5 document.

6 Q. Well, you know, I wasn't there. You
7 weren't there. Do you know after reading 500 hours
8 of paperwork, have you seen anything else? They say
9 there isn't. Is there any other human data other
10 than this -- on this page?

11 A. I would just need to match up the Rose
12 data with this data just to confirm that that's all
13 the human data that I've seen.

14 Q. And when you say "match up the Rose
15 data," are you talking about the Rose analysis of
16 this data?

17 A. Yes, sir, that's what I meant, the Rose
18 analysis of this data.

19 Q. Have you ever done that exercise,
20 trying to match up the Rose analysis of this data?

21 A. I've done that briefly where I've
22 looked at this data and then that data to try and
23 look and see all the data that was available, but I
24 didn't do a one-to-one comparison.

1 I just do 112 doses for each person.

2 Q. So --

3 A. And you can multiply that by three.

4 Q. So 336 doses, right? 336?

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

6 Q. Now, let's go to the last one. And
7 it's 2 TDS -- three times a day -- for six weeks,
8 four people. Just do your math and see if that
9 comes out to 504 doses.

10 A. That would be 504 doses among four
11 people.

12 Q. Zero vomiting?

13 A. Yes, sir, that's what the document
14 states.

15 Q. And the one above that two -- four
16 times a day for four weeks, zero vomiting, right?

17 A. Yes, sir, that's what it states.

18 Q. So approximately 1,300 doses and in
19 this group here from 7 through 11, and one person
20 vomited, right?

21 A. I guess that's one way of looking at
22 the data.

23 Q. And that's apparently what got
24 Dr. Cavalli's attention. He says, "I am confused by

1 my review of the data." Okay? Now, let's go on
2 with what he said. Look at the next page. Look at
3 the first paragraph. Read that into the record.

4 A. It says, "As you can see, these data do
5 not support the statement made in Braunholtz's
6 letter and confirmed in Slade's telex. As far as I
7 can tell, no one has vomited within 15 minutes."

8 Q. And what's the next paragraph? Read
9 that one into the record.

10 A. "The data used to support the efficacy
11 of emetic in paraquat given to the dog and monkey
12 show dose levels of 2 or 3 milligrams per kilogram
13 of the emetic. The dose in milligrams per kilogram
14 for the 2-milligram dose in humans was
15 0.036 milligrams per kilogram, for 3 milligrams was
16 0.038 to 0.042, for 4 milligrams, 0.05, and for
17 8 milligrams was 0.1 milligrams per kilogram."

18 Continue?

19 Q. Keep reading.

20 A. "The 5-milligram dose would be about
21 0.06 milligrams per kilogram for 170-pound man.
22 This is significantly lower than the 2 to 3
23 milligrams per kilogram found effective in the dog
24 and monkey. At CTL, I was told that the compound

1 was more active in humans, but the data does not
2 support this."

3 Q. So in other words, the numbers don't
4 add up to Dr. Cavalli, do they?

5 MR. ORLET: Object to the form.

6 THE WITNESS: He's questioning -- I'm
7 sorry. Would you repeat that, sir?

8 BY MR. TILLERY:

9 Q. The numbers don't add. He's saying
10 they simply don't work, and he's saying he was told
11 at CTL that the compound was more active in humans;
12 in other words, don't worry about it. It will -- it
13 will be more effective in a human. But he said the
14 data don't support that. Is that what he said?

15 A. Sir, it looks like he's -- from the
16 first paragraph he's stating that it doesn't support
17 the 15 minutes, so that's definitely a question
18 based on the human data.

19 Q. Okay.

20 A. And I'm digesting the second paragraph
21 a little bit further so I can accurately answer your
22 question.

23 Q. Well, let's get -- if you don't mind
24 because of our time, look at the paragraph that says

1 1976 letter from ICI, D. M. Foulkes, to Dr. N.
2 Ospenson, Chevron Chemical Company. And this is
3 CUSA-00088288 at 8442 through 8451.

4 Is Exhibit 105 an October 19th, 1976
5 letter from ICI to Chevron enclosing a draft report
6 CTL/R/390 by Dr. Michael Rose entitled, "The
7 Concentration of PP 796 Required to Produce Emesis
8 in Experimental Animals and an Estimation of the
9 Emetic Dose in Man."

10 A. Yes, sir.

11 Q. At page 8444, if you would look at
12 that, the second page of the report, do you see the
13 statement that at 5-milligram emetic in
14 10 milliliters of paraquat formulation, it is
15 estimated -- yeah, it is estimated that 70 percent
16 of those ingesting 10 milliliters of this
17 formulation will vomit within an hour?

18 A. Yes, sir. It's says, "It is estimated
19 that about 70 percent of those ingesting
20 10 milliliters will vomit within an hour."

21 Q. So this is October, right?

22 A. Yes, sir. The letter is from October.

23 Q. Right. And in August, ICI had said
24 that the same 5 milligrams in 10 milliliters was

1 likely to produce emesis within 15 percent -- I'm
2 sorry -- strike that.

3 Back in August, two months before, ICI
4 had said that the same 5 milligrams in
5 10 milliliters was likely to produce emesis within
6 15 minutes in 80 percent of the people ingesting it,
7 hadn't they?

8 A. Yes, that's what they said, and that's
9 why I believe Dr. Cavalli was confused.

10 Q. Did they say that? They said -- they
11 said 5 milligrams in 10 milliliters would produce
12 emesis within 15 minutes in 80 percent of the people
13 in August of 1976?

14 A. Yes, sir, that's what is stated in
15 Exhibit 104.

16 Q. Right. So between August and October,
17 ICI went from 80 percent within 15 minutes to
18 70 percent within an hour, right?

19 A. It appears to be the case, yes, sir.

20 Q. And there was no new data because we've
21 already agreed that there was no additional human
22 data, right?

23 A. There may have been additional data but
24 not human data.

1 ICI. The other two I don't recognize, sir.

2 Q. So Dr. Cavalli sent blind copies to
3 Drs. Calderbank, Foulkes, and Slade at ICI and
4 Mr. Barrett at ICI Americas, right?

5 A. That would appear to be the case based
6 on the bc and cc nomenclature.

7 Q. And "blind," just so we're clear, means
8 there was no indication to Dr. Rose that those
9 people were getting copies, right?

10 A. I believe that's how it works with an
11 email. I apologize, sir, I don't know how telexes
12 would work.

13 Q. Okay. Now, let's look at what
14 Dr. Cavalli told Dr. Rose in the telex and follow
15 along with me. It's a little difficult to read, but
16 just follow along and see if I get this right. And
17 I start quoting.

18 "I've reviewed studies on ICI 63,197
19 (PP 796) Slade's telex and Foulkes's October letter.
20 I am concerned as argument for 5 milligrams being an
21 effective emetic dose in man is weak and still does
22 not support the statement that will cause emesis in
23 85 percent at 15 minutes. I believe EPA will likely
24 require actual data regarding effectiveness of dose

1 recommended in humans. Is there any reason why a
2 number of volunteers cannot be given 5 milligrams of
3 ICI 63,197 in 10 cc's of water and effect recorded?
4 This may be quite easy if clinical trial permission
5 is still open. This would be more satisfactory for
6 us to give EPA than present information. Ospenson
7 plans to phone PPD late next week and I would
8 appreciate your comments by 10/27."

9 Is that what he says?

10 A. Yes, sir, that's what it says here.

11 Q. And that's Dr. Cavalli of Chevron
12 saying that, right?

13 A. Yes, sir.

14 Q. He doesn't believe these numbers, does
15 he? Would you say that's a fair inference?

16 MR. ORLET: Object to the form.

17 THE WITNESS: He doesn't believe the
18 85 percent in 15 minutes number.

19 BY MR. TILLERY:

20 Q. Right. He doesn't. So let's go to the
21 next exhibit, 107.

22 (Exhibit 107 was identified
23 for the record.)

24