

1 IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
2 IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
3 CIVIL DIVISION

4 ALLEN WILLIFORD, and LYNDA : Case No. 21 CA
5 WILLIFORD, : 006219

6 : :
7 Plaintiffs, :
8 : :
9 : :

10 vs. :
11 : :
12 : :

13 SYNGENTA CROP PROTECTION, :
14 LLC, CHEVRON U.S.A. INC., :
15 and COUNCIL-OXFORD, INC., :
16 : :
17 Defendants. :
18 : :
19 : :

20 - - -

21 VIDEO DEPOSITION OF SHERRY DUVALL
22 (Taken by the Plaintiffs)
23 Charlotte, North Carolina
24 April 13, 2023

25 Reported by: Jackie J. Johnson
 Court Reporter
 Notary Public

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1 APPEARANCES: 2 3 The Miller Firm, LLC 4 BY: DAVID DICKENS, ESQUIRE 5 JEFFREY TRAVERS, ESQUIRE 6 The Sherman Building 7 108 Railroad Avenue 8 Orange, Virginia 22960 9 ddickens@millerfirmllc.com 10 jtravers@millerfirmllc.com 11 Attorney for Plaintiffs 12 13 Kirkland & Ellis, LLP 14 BY: GRACE BRIER, ESQUIRE 15 DON HONG, ESQUIRE (via Zoom) 16 STACHIA REUWSAAT, ESQUIRE (via 17 Zoom) 18 1301 Pennsylvania Avenue 19 Washington, DC 20009 20 grace.brier@kirkland.com 21 don.hong@kirkland.com 22 Attorney for Defendants 23 Wicker Smith O'Hara McCoy & Ford, 24 P.A. 25 BY: PETER BARTOSZEK, ESQUIRE 390 North Orange Avenue Suite 1000 Orlando, Florida 32801 pbartoszek@wickersmith.com Attorney for Deponent Rywant, Alvarez, Jones, Russo & Guyton P.A. BY: ALEXANDRA M. ELDER, ESQUIRE 302 Knights Run Avenue, Suite 1000 Tampa, Florida 33602 aelder@rywantalvarez.com Attorney for Defendant Council-Oxford Troutman Pepper BY: CHRISTINA M. BOSTON, ESQUIRE (via zoom) 3000 Two Logan Square Eighteenth and Arch Streets Philadelphia, Pennsylvania 19103 christina.boston@troutman.com Attorney for Defendant FNC	1 CONTENTS 2 3 4 The Witness: SHERRY DUVALL 5 By Mr. Dickens.....10 6 By Ms. Brier.....259 7 8 INDEX OF THE EXHIBITS 9 For the Plaintiffs 10 11 Exhibit 1 Amended Notice of Videotaped 12 Deposition 4/7/23.....13 13 Exhibit 2 Curriculum Vitae.....17 14 Exhibit 3 E-mail string 3/28/01-3/30/01 15 SYNG-PQ-14415137-14415141.....29 16 Exhibit 4 Standby Statement Alleged Paraquat 17 Poisoning Naples, Florida Final 18 Draft (5/23/01).....38 19 Exhibit 5 E-mail string 9/24/01-11/8/01 20 SYNG-PQ-05706488-6491.....44 21 Exhibit 6 E-mail string SYNG-PQ 10/2/02-10/03/22 22 SYNG-PQ-01277059-7062.....55 23 Exhibit 7 Consulting Agreement 6/21/02.....59 24 Exhibit 8 Syngenta Influencing Key Stakeholders 25 Gramoxone Inteon Meeting Greensboro
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1 Jones Day 2 BY: MICHAEL A. MAGEE, ESQUIRE (via 3 Zoom) 4 500 Grant Street, Suite 4500 5 Pittsburgh, Pennsylvania 15219 6 mmagee@jonesday.com 7 Attorney for Defendant Chevron 8 9 --- 10 11 Video Deposition of SHERRY DUVALL, taken by the 12 Plaintiffs, at Hilton Garden Inn, 159 Gateway Boulevard, 13 Charlotte, North Carolina, on the 13th day of April, 14 2023 at 10:00 a.m., before Jackie J. Johnson, Court 15 Reporter and Notary Public. 16 17 18 19 20 21 22 23 24 25	1 June 17, 2004.....66 2 Exhibit 9 Updates from Meeting on October 10, 2002 3 and October 14, 2002.....80 4 Exhibit 10 E-mail string 11/26/02-1/14/03 5 SYNG-PQ-32517926.....92 6 Exhibit 11 Article titled Paraquat and the Activists 7 November 2002.....92 8 Exhibit 12 Issue Management Template 5/29/03..111 9 Exhibit 13 Draft 04/26/04.....118 10 Exhibit 14 E-mail from Sherry Ford to various 11 recipients 1/28/03.....124 12 Exhibit 15 Virgil Scudder & Associates News 13 Interview Checklist 2/4/03.....128 14 Exhibit 16 Q&A Paraquat: A Unique Contributor to 15 Agriculture and Sustainable Development 16 December 12, 2003.....146 17 Exhibit 17 E-mail string 9/15/05-9/16/05 18 SYNG-PQ-21828935-8936.....163 19 Exhibit 18 E-mail string 11/16/05-1/6/06 20 SYNG-PQ-04245712-5713.....169 21 Exhibit 19 E-mail from Sherry Ford to various 22 recipients 4/26/07 SYNG-PQ-ATR 23 05179875-9877.....177 24 Exhibit 20 Article titled Parkinson's Disease 25 What Can Syngenta Say About the

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1 Disease A Briefing to Syngenta Crop 2 Protection by v-Fluence Interactive 3 Public Relations September 2008....229 4 Exhibit 32 E-mail from Ande Leslie to Sherry Ford 5 9/9/08.....233 6 Exhibit 33 E-mail from Randy Krotz to Sherry Ford 7 5/27/09.....233 8 Exhibit 34 Article titled Paraquat and Parkinson's 9 Disease A Briefing to Syngenta Crop 10 Protection by v-Fluence Interactive 11 Public Relations April 2009.....234 12 Exhibit 35 Memorandum from David Bartlett to 13 Sarah Hull 3/15/10.....240 14 Exhibit 36 Memo to Certain Syngenta Employees from 15 Alan Nadel.....247 16 Exhibit 37 E-mail string 3/21/11 SYNG-PQ-MDL 17 000339348-9352.....249 18 Exhibit 38 Handwritten Notes SYNG-PQ 19 19637716-7821.....253 20 21 22 23 24 25	1 Elder on behalf of Council Oxford. 2 MS. REUWSAAT: Stachia Reuwsaat on behalf of 3 Syngenta. 4 MR. TRAVERS: Jeff Travers on behalf of the 5 Plaintiffs on Zoom. 6 MS. BOSTON: Christina Boston on behalf of 7 FNC. 8 MR. MAGEE: Mike Magee on behalf of 9 Chevron. 10 MS. BRIER: Oh, Grace Brier on behalf of 11 Syngenta. I think there was some cross talk there. 12 Thanks. 13 Whereupon, 14 SHERRY DUVALL, 15 having been duly sworn, 16 was examined and testified as follows: 17 MR. DICKENS: And for the Record and before 18 we begin. For the Philadelphia and Florida 19 litigation, it's my understanding that Plaintiffs and 20 Defendants have agreed and reached a stipulation to 21 reserve all objections, including objections as to 22 form, for this deposition. 23 MS. BRIER: Yes. Thank you very much. 24 MR. DICKENS: Good morning. 25 THE WITNESS: Good morning.

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1 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS 2 BY MR. DICKENS: 3 Q. Could you please state your name for the Record? 4 A. Sherry Duvall. 5 Q. Hi, Ms. Duvall. I understand you've been deposed 6 before; is that right? 7 A. Yes, that is. 8 Q. On how many occasions? 9 A. Once. 10 Q. And understanding you've been deposed, you 11 understand the drill. I'll just ask if you don't 12 understand something I ask, please let me know, and I'll 13 rephrase; is that fair? 14 A. It is. 15 Q. And if you do go ahead and answer, I'll presume 16 you understood the question and answered it fully and 17 truthfully; is that fair? 18 A. Yes. 19 Q. Now, your deposition that you previously gave, 20 that was related to litigation involving Atrazine? 21 A. Atrazine, yes. 22 Q. And Atrazine is an herbicide manufactured and 23 marketed by Syngenta? 24 A. Correct. 25 Q. You were previously employed by Syngenta; is that	1 with your personal attorney? 2 A. I met with them together. I met with them 3 briefly this morning, and I met with them yesterday. 4 Q. Now, you say your personal attorney. Is Syngenta 5 paying for your attorney's time here today? 6 A. I am not able to speak to that. 7 Q. Are you personally paying your attorney for his 8 time here today? 9 A. No. 10 Q. But you don't know who's paying for your 11 attorney? 12 A. No. 13 Q. Did you review any documents in preparation for 14 today's deposition? 15 A. I did see some documents. 16 Q. Were those documents that you had in your 17 personal possession? 18 A. No. 19 Q. Documents that were shown to you by your 20 attorneys? 21 A. Yes. 22 Q. Did you speak with any current or former Syngenta 23 employees about your deposition? 24 A. No. 25 Q. Did you review any testimony previously given in
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1 right? 2 A. Yes. 3 Q. You began working for Syngenta in 1999? 4 A. Yes. Actually, then it was Novartis. 5 Q. At some point, Novartis merged with Syngenta, 6 correct? 7 A. Novartis merged with AstraZeneca to become 8 Syngenta. 9 Q. And that was in 1990 or when was that? 10 A. I believe it was 2000. 11 Q. So prior to AstraZeneca becoming Syngenta, you 12 worked for Novartis? 13 A. Correct. 14 Q. And when were you hired at Novartis or Ciba? 15 A. In I believe it was February of 1999. 16 Q. And you worked continuously with either Novartis 17 or Syngenta from 1999 until April of 2011? 18 A. Yes. 19 Q. And Ms. Duvall, did you do anything to prepare 20 for today's deposition? 21 A. Yes. 22 Q. What did you do? 23 A. I met with my personal attorney and a Syngenta 24 attorney. 25 Q. Can you tell us how much time you spent meeting	1 this litigation? 2 A. No. 3 MS. BRIER: And Counsel, before we get into 4 the next line of questioning, I just want to clarify 5 the stipulation so I'm not interrupting. 6 I think we're reserving all objections 7 except as to form and foundation. 8 MR. DICKENS: Yeah. I said that 9 incorrectly. Thank you. 10 MS. BRIER: No problem. I just wanted to 11 show that understanding for the Record. Thanks. 12 MR. DICKENS: I'll go ahead and hand you 13 what we've marked as Exhibit 1 to your deposition. 14 (Plaintiff's Exhibit No. 1 was marked for 15 identification) 16 MS. BRIER: Thank you. 17 THE WITNESS: Are these the same? 18 MR. BARTOSZEK: Yes, we've got the same. 19 BY MR. DICKENS: 20 Q. Ms. Duvall, I've handed you Exhibit 1 to your 21 deposition which is Amended Notice of Videotaped 22 Deposition. 23 Have you seen this document before? 24 A. Yes. 25 Q. I'll direct your attention to the final page of

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1 Exhibit 1, and there's some Document Requests asking you 2 to produce certain documents at today's deposition. 3 Have you seen that portion before? 4 A. Yes. 5 MR. BARTOSZEK: And Dave, I just wanted to, 6 for the Record, object to the first request to the 7 extent it calls for documents that are not in her 8 possession, custody or control or that were compiled 9 by counsel, as those are reflective of attorney work 10 product and attorney/client privilege documents. But 11 feel free to keep asking. 12 BY MR. DICKENS: 13 Q. Ms. Duvall, did you bring any documents with you 14 to today's deposition? 15 A. No. 16 Q. Okay. I've been provided a copy of your 17 curriculum vitae. That's a document that you produced 18 to your counsel, correct? 19 A. Yes. 20 Q. And that has been handed over, and we'll look at 21 that in a minute. 22 But did you bring any other documents with you? 23 A. No. 24 Q. These requests specifically ask for documents in 25 your possession, custody or control relating to	1 A. No. 2 Q. When you left Syngenta in 2011, did you take any 3 work related documents with you? 4 A. I had some files related to Atrazine. 5 Q. And you took those files related to Atrazine with 6 you after leaving the company? 7 A. Yes. 8 Q. Those were personal documents that you created 9 during the course of your employment at Syngenta? 10 A. Some were created by me, yes. 11 Q. Did you take any documents with you, after 12 leaving Syngenta in April 2011, related to Paraquat? 13 A. No. 14 Q. What did you do with all the documents related to 15 Paraquat when you left the company in April of 2011? 16 A. They remained with the company. 17 Q. Had you seen or reviewed any of those Paraquat 18 related documents prior to yesterday when you met with 19 counsel? 20 A. Had I seen or reviewed any of the documents prior 21 to meeting with counsel yesterday? 22 Q. Correct. 23 A. No. 24 Q. Did you keep or maintain any e-mails that you 25 sent or received during the course of your employment at
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1 Paraquat; do you see that? 2 A. Yes. 3 Q. I understand during your employment with 4 Syngenta, you worked on Paraquat at some point; is that 5 right? 6 A. Yes. 7 Q. Do you currently have any documents in your 8 possession related to Paraquat in any way? 9 A. No. 10 Q. While working for Syngenta, did you have access 11 to a Corporate Syngenta e-mail account? 12 A. Yes. 13 Q. And do you still have access to that e-mail 14 account? 15 A. No. 16 Q. Did you use the Syngenta e-mail account while 17 working for Syngenta? 18 A. Yes. 19 Q. Did you following -- did you work for Syngenta, 20 after leaving the company in April 2011, in any way? 21 A. Yes, as a consultant. 22 Q. What type of matters did you consult with 23 Syngenta on after April 2011? 24 A. On matters relating to Atrazine. 25 Q. Any matters related to Paraquat?	1 Syngenta from 1999 to 2011, after leaving the company? 2 A. No. 3 Q. You didn't forward any of those e-mails to a 4 personal e-mail account or anything along those lines? 5 A. No. 6 Q. So is it fair to say that any documents in your 7 possession, custody or control related to Paraquat would 8 have remained with the company, and you have nothing in 9 your possession? 10 A. No, I have nothing related to Paraquat. 11 MR. DICKENS: I want to go ahead and mark 12 Exhibit 2 to the deposition, which is a copy of the 13 curriculum vitae produced this morning. 14 (Plaintiff's Exhibit No. 2 was marked for 15 identification) 16 BY MR. DICKENS: 17 Q. And can you identify this document for the 18 Record, Ms. Duvall? 19 A. Yes. It's a copy of my resume. 20 Q. And is this a resume that you keep up-to-date? 21 A. Yes. 22 Q. And is this a resume that you created in 23 preparation for the deposition or was it already in 24 existence? 25 A. It already existed.

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1 MR. DICKENS: I don't know the best way to 2 do -- is it all right if I have this, and maybe we'll 3 put it up on the screen. 4 MR. BARTOSZEK: Yeah, that will work. 5 MR. DICKENS: Perfect. 6 MR. BARTOSZEK: That will work. 7 So he's going to take it and -- since we 8 only have one copy. 9 THE WITNESS: Oh, okay. 10 MR. BARTOSZEK: But you can look at the 11 screen at what he's asking you to look at, and I have 12 the whole thing here, if you need it for context for 13 anything. 14 THE WITNESS: Okay. 15 MS. BRIER: Yeah, I can see it. Thank you. 16 BY MR. DICKENS: 17 Q. Now, are you currently employed, Ms. Duvall? 18 A. No. 19 Q. Towards the bottom of Page 1 of your curriculum 20 vitae, there's some communications experience; do you 21 see that? 22 A. Yes. 23 Q. And it lists Duvall Communications; is that 24 right? 25 A. Yes.	1 way? 2 A. No. 3 Q. Now, you mentioned after leaving Syngenta in 4 April of 2011, you provided some consulting work for 5 Syngenta related to Atrazine, right? 6 A. Yes. 7 Q. Did you consult with any other pesticide 8 manufacturers from April of 2011 to the present in a 9 communications capacity? 10 A. No. 11 Q. What type of consulting did you do for Syngenta 12 on Atrazine after leaving the company in April of 2011? 13 A. It was primarily focused on the coordination of a 14 team of scientists and academic professors who were 15 writing papers on the benefits of Atrazine with the goal 16 of publishing those papers. 17 Q. At that time, after April 2011, was Syngenta 18 involved in litigation involving Atrazine? 19 A. Yes. 20 Q. Was the consulting work you did related to the 21 ongoing litigation involving Atrazine? 22 A. No, not directly. This particular work was in 23 support of the reregistration of Atrazine. 24 Q. Did you do any litigation consulting for Syngenta 25 after leaving the company in April of 2011?
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1 Q. Do you have your own communications company 2 currently? 3 A. I keep it open, but I'm currently not doing 4 anything with it. 5 Q. When's the last time you did anything with it? 6 A. It's been several years. 7 Q. And you list Duvall Communications from 8 April 2011 to present; is that right? 9 A. Yes. 10 Q. Now, after leaving Syngenta in April of 2011, you 11 did -- you were employed at some point, right? 12 A. Yes. Uh-huh. 13 Q. In what capacity were you employed? 14 A. As a paralegal. 15 Q. When did you stop working as a paralegal? 16 A. My last employment as a paralegal was in either 17 April or May of 2020, I believe. 18 Q. And Ms. Duvall, what caused you to leave the 19 company in April of 2000 -- or to leave Syngenta in 20 April of 2011? 21 A. I left of my own free will. 22 Q. Was there any particular catalyst or reason for 23 leaving? 24 A. I just felt it was time to move on. 25 Q. And you weren't fired or asked to leave in any	1 A. I don't recall any specific litigation support. 2 Q. When's the last time you consulted with Syngenta 3 on Atrazine? 4 A. During that time period. 5 Q. How long did that time period last? 6 A. About six months. 7 Q. So after you left in April 2011, you consulted 8 for about six months and haven't done anything since; is 9 that fair? 10 A. Yeah. That's not -- not entirely true. 11 I did write an article in -- for one of the 12 plants for an internal competition in 2017, but that's 13 the last time I did anything for Syngenta. 14 Q. When you say internal, you're talking within 15 Syngenta? 16 A. It was an awards competition, an internal awards 17 competition. 18 Q. So nothing having to do with external anything; 19 it was all within Syngenta? 20 A. Correct. 21 Q. I want to look at your experience with Syngenta 22 and Novartis, and maybe a good place to start is on Page 23 2 of your CV. There's a Ciba Specialty Chemicals; do 24 you see that? 25 A. Yes.

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1 Q. And Ciba, that eventually became Novartis, right? 2 A. No. That was actually a spinoff from Novartis. 3 Q. Okay. So Novartis; then there was a spinoff of 4 Ciba Specialty Chemicals, correct? 5 A. Ciba Specialty is a spinoff from Novartis. 6 Q. Okay. So you worked at Ciba from 1998 to 1999; 7 is that fair? 8 A. That's correct. 9 Q. And then from Ciba, you went to Syngenta? 10 A. I went to Novartis, yes. It's very confusing. 11 Q. Okay. I got you. 12 So Ciba, you went to Novartis, and Novartis 13 became Syngenta? 14 A. Correct. 15 Q. Okay. So when you list here on Page 1 Syngenta 16 February 1999 to April 2011, that includes that short 17 period of time when they were Novartis? 18 A. Yes. 19 Q. And what were you -- were there any herbicides 20 you were responsible for while working for Ciba 21 Specialty Chemicals? 22 A. No. That particular company did not deal in 23 herbicides. 24 Q. When did you first become involved in working for 25 herbicides?	1 A. I worked as part of a team to incorporate 2 communications, and I also had responsibility for 3 managing community relations in Greensboro for the 4 company. 5 Q. When you say manage communications, what specific 6 tasks were you responsible for? 7 A. So that involved -- in addition to community 8 relations, it involved getting involved in media 9 relations, media training, some issue management for our 10 products. It involved representing the company at trade 11 shows, coordinating with internal communications on 12 specific projects. 13 Q. And indeed, you, on Page 1 going to Page 2, list 14 some of your responsibilities as Communications Manager, 15 head of external communications and head of community 16 engagement while working for Syngenta, right? 17 A. Yes. 18 Q. And you list Greensboro, North Carolina; is that 19 the office for Syngenta that you worked out of? 20 A. Yes. 21 Q. And you worked out of that office during the 22 entire 12 years that you worked for the company? 23 A. Uh-huh. Yes. 24 Q. And you, as you state, you were a key media 25 contact, correct?
Page 23	Page 25
1 A. When I joined Novartis/Syngenta. 2 Q. So in 1999 was the first time you were involved 3 in any capacity related to pesticides or herbicides? 4 A. Correct. 5 Q. Do you have any background in science? 6 A. No. 7 Q. Your background and you received a degree in 8 communications and public relations; is that right? 9 A. Yes. 10 Q. You state here in your CV that you were recruited 11 to Syngenta as a promotion; do you see that? 12 A. Yes. 13 Q. Okay. What do you mean by that? 14 A. I mean that I moved up in salary when I went to 15 Novartis/Syngenta. 16 Q. When you were hired by Syngenta in 1999 or when 17 you went to Syngenta, your job role was Communications 18 Manager? 19 A. Yes. 20 Q. And then in 2004, you were promoted from 21 Communications Manager to External Communication Lead 22 for North America, right? 23 A. That's correct. 24 Q. What was your job role as Communications Manager 25 for Syngenta when you were hired in 1999?	1 A. Correct. 2 Q. You were a Communications Strategist for the 3 company, right? 4 A. Yes. 5 Q. You managed issues in litigation affecting 6 agricultural products, correct? 7 A. Yes. 8 Q. Now, those agricultural products, that included 9 Paraquat? 10 A. Yes. 11 Q. Were you responsible for Paraquat when you joined 12 Syngenta in 1999? 13 A. No, I was not responsible for Paraquat. 14 Q. Were you responsible for Paraquat at any point in 15 time during your employment? 16 A. By responsible for Paraquat, what do you mean? 17 Q. Let's ask it this way: Were you working on 18 anything related to the communication strategy of 19 Paraquat in 1999 when you were hired for Syngenta? 20 A. Syngenta -- first of all, we weren't Syngenta in 21 1999. Secondly, Novartis did not even have Paraquat in 22 1999. Paraquat did not come into play until 2000 with 23 the merger with Zeneca, because the legacy company 24 Novartis did not have Paraquat. So Paraquat was not 25 part of the product lineup.

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1 Q. When did you begin working on any matters related 2 to Paraquat? 3 A. I don't recall. 4 Q. Was it shortly after the merger? 5 A. It could have been, but I don't recall. 6 Q. Now, when you say managed issues in litigation 7 affecting agricultural products, that includes Paraquat, 8 right? 9 A. Yes. 10 Q. And you were key media contact for Paraquat 11 related issues, right? 12 A. Yes. 13 Q. And you were communication strategist for 14 Paraquat related issues? 15 A. Yes. 16 Q. And you developed and executed external 17 communication plans related to Paraquat related issues? 18 A. Yes. 19 Q. And you managed product issues related to 20 Paraquat, right? 21 A. Yes. 22 Q. In the third bullet point, you acted as a key 23 liaison to the Legal Department for high profile 24 lawsuit; is that related to Atrazine? 25 A. Yes, it is.	1 External Communications Lead for North America? 2 A. My basic responsibilities stayed the same, but I 3 was responsible for a Communications Manager, the 4 supervision of a Communications Manager. 5 Q. And in 2010, your job role changed again; is that 6 right? 7 A. That's correct. 8 Q. Did any of your job roles -- you mention here, 9 "Tapped to create new role in community engagement for 10 North America." 11 Did you have any new job roles or 12 responsibilities related to communications related to 13 Syngenta's herbicides or pesticides? 14 A. So my job role totally switched where I was not 15 engaging specifically with products and issue management 16 any longer. It was totally switched over to corporate 17 citizenship. So it was a total shift in my job 18 responsibility. 19 Q. Okay. And when you say corporate citizenship, 20 what do you mean? 21 A. So community relations on a broader scale for the 22 company, so corporate reputation. 23 Q. And from 2010 until you left Syngenta in 2011, 24 did you have any role or responsibility related to 25 issues involving Paraquat?
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1 Q. Now, did you also serve as a key liaison to the 2 Legal Department on issues related to Paraquat? 3 A. I don't recall specific legal issues related to 4 Paraquat, but it is possible. 5 Q. You state, "Educated stakeholders." Do you see 6 that? 7 A. Yes. 8 Q. What do you mean by stakeholders? 9 A. Key audiences. 10 Q. What are some of those key audiences during your 11 time at Syngenta? 12 A. So this bullet point in my resume specifically 13 refers to Atrazine litigation. 14 Q. Okay. That's helpful. 15 Did you educate stakeholders in any capacity 16 related to Paraquat during your employment at Syngenta? 17 A. Not that I recall. 18 Q. Did you train spokespersons at Syngenta for media 19 interviews related to Paraquat specifically? 20 A. I don't specifically recall that. 21 Q. I want to go back down to the last bullet point, 22 your progression. We already talked about you were 23 promoted from Communications Manager to External 24 Communications Lead for North America; was that -- did 25 you have any new job roles or responsibilities as	1 A. No, not after 2010. 2 MR. DICKENS: I'll put that there so I don't 3 lose it. 4 I'll go ahead and hand you what we'll mark 5 as Exhibit 3 to the deposition and copies to counsel 6 here as well. 7 (Plaintiff's Exhibit No. 3 was marked for 8 identification) 9 THE WITNESS: Are these the same? 10 MR. BARTOSZEK: You get to keep the 11 stickered one and hand the -- 12 THE WITNESS: Oh, okay. 13 MR. BARTOSZEK: -- other copies to me. 14 There you go. Thank you. 15 BY MR. DICKENS: 16 Q. Now, Ms. Duvall, I've handed you a copy of an 17 exhibit produced to Plaintiffs in this litigation from 18 Syngenta. It lists your name up here, Sherry Duvall; do 19 you see that? 20 A. I do. 21 Q. And on the very top of the e-mail is an e-mail 22 from a Kay Carter to you dated March 30, 2001; do you 23 see that? 24 A. I do. 25 Q. Who is Kay Carter?

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1 A. Kay Carter was my supervisor at one point in 2 time. 3 Q. What was her role, if you recall? 4 A. She was head of the Communications Department. 5 Q. Was she head of the Communications Department 6 limited to the United States or for the entirety of 7 Syngenta? 8 A. For Crop Protection in the U.S. 9 Q. How many individuals at Syngenta were part of the 10 Communications Team in the United States in 2000, 2001? 11 A. Let's see. Including Kay Carter, about five. 12 Q. And were all five of those individuals involved 13 in Paraquat related issues in 2000, 2001? 14 A. No. 15 Q. Was there a subset of those individuals involved 16 in communications related to pesticides such as 17 Paraquat? 18 A. There were only -- well, there was one person who 19 was dedicated to internal communications, one who was 20 dedicated to website management. There was Kay Carter 21 who was head of the department, and then there was 22 myself and one other person who was a Communications 23 Manager like me, and we divided up the product 24 categories that we were responsible for from a 25 communications standpoint.	1 A. Yes. 2 Q. And was that true during the entire -- your 3 entire employment as Communications Manager before your 4 promotion in 2004? 5 A. Yes. 6 Q. Now, the subject of the e-mail forwarded to you 7 from Kay Carter notes Paraquat reference; do you see 8 that? 9 A. I'm sorry. Which part are you referring to? 10 Q. Yeah. The subject line, News Release From 11 NIEHS-Note Paraquat Reference. 12 A. Yes. 13 Q. And once again, you were Communications Manager 14 for herbicides. So that would have included Paraquat at 15 this time in 2001? 16 A. Yes. 17 Q. How was it that you were selected to be the 18 Communications Manager for herbicides? 19 A. I can't tell you. 20 Q. Who told you that you would be Communications 21 Manager for herbicides? 22 A. My supervisor, Kay Carter. 23 Q. Do you recall anything about that conversation? 24 A. No. 25 Q. Do you recall anything your supervisor told you
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1 Q. Who was that other individual who was 2 Communications Manager similar to you? 3 A. His name was Ken Gordon. 4 Q. And when you say you divided up the 5 responsibilities with respect to Paraquat related 6 issues -- 7 A. No. I -- no, I did not say that. 8 Q. Okay. 9 A. I said we divided up the product categories. I 10 didn't say we divided up Paraquat responsibilities. 11 Q. How did you divide up the Paraquat categories 12 then? 13 A. I don't know what you mean by Paraquat 14 categories. Paraquat was a herbicide. So we divided up 15 product categories, one being herbicides, another being 16 fungicides, another being insecticides. 17 Q. I understand now. 18 And were you the individual responsible for 19 herbicides? 20 A. Yes. 21 Q. So you were the Communications Manager 22 responsible for Paraquat then? 23 A. Yes. 24 Q. And that's true when Novartis merged and became 25 Syngenta in 2000?	1 about what your job responsibilities would be, as 2 Communications Manager for herbicides, in the 2000, 2001 3 time frame? 4 A. I don't remember specifics, no. 5 THE VIDEOGRAPHER: Don Hong, is that 6 somebody you're familiar with trying to join Zoom? 7 MR. DICKENS: I'm sure they're related in 8 some way. 9 MS. BRIER: I don't recognize the name. 10 MR. BARTOSZEK: How is it spelled? 11 THE VIDEOGRAPHER: H-O-N-G, Don Hong. 12 MS. BRIER: Oh, yes. Don Hong is with 13 Kirkland. Yes. 14 BY MR. DICKENS: 15 Q. Okay. Ms. Duvall, and Kay Carter is forwarding 16 you and e-mail chain related to Paraquat in this e-mail, 17 correct? 18 A. It appears that way, yes. 19 Q. And the final full e-mail that Kay Carter 20 forwarded to you references, "I would appreciate an 21 answer to my question on March 13th on Parkinson's 22 Disease. Here is another press release which relates to 23 -- which relates the disease to crop protection 24 products, and I want to be sure that our company is 25 prepared for this arising issue."

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1 Do you see that? 2 A. I'm sorry. Where are you? 3 Q. It's the last full e-mail on Page 1 from a, I 4 believe, Georg -- I shouldn't have tried this -- 5 Diriwaechter -- 6 A. Diriwaechter. 7 Q. -- dated March 30, 2001. 8 MR. BARTOSZEK: Dave, is this -- is this two 9 separate documents? 10 MR. DICKENS: Well, this is how I believe it 11 was produced to us -- 12 MR. BARTOSZEK: Okay. 13 MR. DICKENS: -- but -- 14 MR. BARTOSZEK: Okay. 15 THE WITNESS: I'm sorry. I am still not 16 seeing where you are in this. 17 BY MR. DICKENS: 18 Q. So if you look on -- 19 A. This right here? 20 MR. BARTOSZEK: Right here. He's looking -- 21 you can use the screen, as well, if you'd like. He's 22 highlighted it. 23 THE WITNESS: Oh, okay. All right. 24 BY MR. DICKENS: 25 Q. Do you see that?	1 Q. And to convey those facts to external sources, 2 right? 3 A. Yes. 4 Q. Including the media? 5 A. Yes. 6 Q. Including consumers? 7 A. Well, via media. 8 Q. You worked on Parkinson's and Paraquat related 9 issues from 2001 all the way until at least 2010, right? 10 A. I can't verify that I did that, but I -- 11 Q. We talked about conveying messages to the media. 12 You would also convey Syngenta's position related to 13 Paraquat and Parkinson's Disease to other stakeholders 14 as well, right? 15 MS. BRIER: Objection to form. 16 You can answer. 17 THE WITNESS: Would you repeat that? 18 BY MR. DICKENS: 19 Q. In addition to media, one of your job 20 responsibilities was to convey Syngenta's position 21 related to Paraquat and Parkinson's Disease to other 22 stakeholders? 23 MS. BRIER: Same objection. 24 MR. BARTOSZEK: Join. 25 THE WITNESS: If appropriate.
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1 A. I do. 2 Q. In 2001, you were aware of suggestions that 3 Parkin -- or that Paraquat was related to Parkinson's 4 Disease, right? 5 A. Oh -- 6 MR. BARTOSZEK: Object to the form. 7 Go ahead. 8 THE WITNESS: -- apparently, according to 9 this. 10 BY MR. DICKENS: 11 Q. But you do, in fact, as you sit here today, 12 recall working on issues related to Parkinson's Disease 13 for Paraquat, right? 14 A. Yes. 15 Q. You just, without looking at this document, 16 didn't know exactly when that was, right? 17 A. Yes. 18 Q. But based on this document, you at least were 19 aware of the potential issue in 2001? 20 A. Yes. 21 Q. And one of your jobs was to manage allegations 22 that Paraquat exposure was linked to Parkinson's 23 Disease? 24 A. Yes, at least to sort it out and figure out what 25 the facts were.	1 BY MR. DICKENS: 2 Q. And in 2001 and 2002, Syngenta's position was 3 that Paraquat was not toxic to humans unless it was 4 swallowed or severely misused; is that correct? 5 MS. BRIER: Objection to form. 6 THE WITNESS: Our position was always that 7 Paraquat was safe to use by applicators if it was 8 used according to the label and that any product was 9 toxic if it was misused or could be toxic if it was 10 misused, including Paraquat, and we were always 11 concerned about that. 12 Paraquat was a -- it was known to be a 13 product that could be misused, and we were very 14 concerned about that. 15 BY MR. DICKENS: 16 Q. And when you first became responsible for 17 Paraquat, you were aware of the accidental ingestions 18 and suicides related to Paraquat? 19 A. Yes. 20 Q. And when you say you were concerned about those 21 toxicity issues, that was related to misuse only, right? 22 A. Yes. 23 Q. And Syngenta's position was that Paraquat was not 24 toxic if it was used properly, right? 25 MS. BRIER: Objection to form.

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1 THE WITNESS: I always referred to what the 2 scientists told me, and they were my go-to, and that 3 is what I communicated. 4 BY MR. DICKENS: 5 Q. And so your role was to communicate to the 6 outside world what the scientists within Syngenta were 7 telling you, right? 8 A. Yes. 9 Q. And the scientists in 2001, 2002 were telling you 10 that Paraquat was not toxic to humans unless it was 11 swallowed or severely misused, right? 12 A. The scientists at that time were aware of the 13 misuse that was going on, particularly in developing 14 countries, and that was the message that we were 15 concentrating on at that time when we first -- when 16 Paraquat first joined the lineup of products, and it was 17 the accidental or intentional ingestion of Paraquat, and 18 that's what we were focused on. 19 MR. DICKENS: I'll hand you what we'll mark 20 as Exhibit 4 to the deposition. 21 (Plaintiff's Exhibit No. Was 4 marked for 22 identification) 23 MS. BRIER: And while you're handing those 24 out, can we stipulate that an objection for one is an 25 objection as to all?	1 A. Usually. 2 Q. And when your name is listed as the 3 communications contact, does that mean that you would 4 have been the designated individual to handle 5 communications related to these issues? 6 A. Yes. 7 Q. Okay. So with respect to this particular Standby 8 Statement, the information included here is kind of your 9 script for how to deal with media or others who 10 contacted you related to this? 11 A. Yes. It's meant to be a guide. Yes. 12 Q. And you would have been involved in preparation 13 of this guide or Standby Statement? 14 A. Yes, and this -- I would have been involved in 15 the crafting of the language. 16 The content of this would have come from our 17 scientists and other experts within the company who 18 understand the science and other aspects, other 19 technical aspects of the product. 20 Q. And this particular Standby Statement relates to 21 a call from its Poison Control Center regarding an 22 accidental poisoning of an 11 year old boy in Florida, 23 right? 24 A. Yes, it appears to be. 25 Q. And there would be these type of accidental
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1 MR. DICKENS: We can, yes. 2 MS. BRIER: Thank you. 3 BY MR. DICKENS: 4 Q. Ms. Duvall, I've handed you a document produced 5 in this litigation, a Standby Statement Alleged Paraquat 6 Poisoning Naples, Florida Final Draft Dated May 23, 7 2001; do you see that? 8 A. Yes. 9 Q. And at the end on Page 2, which is on the other 10 side, it's Syngenta communications contact, and that 11 lists you, right? 12 A. Yes. 13 Q. Now, what is a Standby Statement? 14 A. We typically created these to have on hand if we 15 received calls from media on a particular issue. 16 Q. Okay. And these Standby Statements then would be 17 used by Syngenta employees to respond to the media or 18 other contacts related to that particular issue? 19 A. Not by Syngenta employees. By Syngenta 20 spokespeople. Not by any employees. 21 Q. So were the spokespeople different than -- were 22 they not Syngenta employees then? 23 A. Only designated people within Syngenta were 24 supposed to be speaking with media. 25 Q. And were you one of them?	1 poisonings or suicides from time to time in which 2 Standby Statements would be created, right? 3 A. Yes. 4 Q. And on the Page 2 on the back, the second 5 question, "How can Syngenta market a product like this? 6 Shouldn't it be removed from the market?" 7 Now, when it says question there, that is a 8 potential question that could be asked of you is that 9 fair? 10 A. Yes. I mean, that's why we create these Q&As. 11 Q. Sure. And the information afterwards, that would 12 be the information that you created, in conjunction with 13 the Science Team at Syngenta, for a particular response? 14 A. Yes. 15 Q. And the response that was crafted by Syngenta 16 references Gramoxone Extra; that's a Paraquat product 17 manufactured by Syngenta, right? 18 A. It was at that time, yes. 19 Q. And the information that you provide to outside 20 sources was that Paraquat or Gramoxone Extra is not 21 toxic to humans unless the concentrate is swallowed or 22 severely misused, right? 23 A. Yes. 24 Q. And that's, once again, a position of Syngenta 25 and their Science Team or it wouldn't have been included

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1 in your Standby Statement; is that fair? 2 A. Yes. 3 Q. Now, you'd agree that many of your colleagues 4 were concerned about the toxicity of Paraquat, because 5 Paraquat was one of the company's highest grossing 6 products, right? 7 MS. BRIER: Objection to form. Foundation. 8 THE WITNESS: I don't know how to answer 9 that. I'm not aware of those sales figures. 10 BY MR. DICKENS: 11 Q. Were you aware that colleagues of yours were 12 concerned, in 2001 and 2002, about the toxicity of 13 Paraquat? 14 MS. BRIER: Same objections. 15 THE WITNESS: When you say concerned about 16 the toxicity, can you be more specific? 17 BY MR. DICKENS: 18 Q. Do you recall anyone within Syngenta expressing 19 to you their concerns about how toxic Paraquat was to 20 its users? 21 A. To certified applicators or -- again, I'm not 22 sure I understand what you're asking. 23 Q. How toxic it was to anyone who was spraying 24 Paraquat in any capacity? 25 A. It's --	1 Q. Was it your understanding that there was no data 2 or evidence that Paraquat could cause Parkinson's 3 Disease during the course of your employment at 4 Syngenta? 5 MS. BRIER: Objection to form. 6 THE WITNESS: It was my understanding, 7 through discussions with our scientists, that there 8 was no evidence or scientific studies that proved 9 causation that Paraquat caused Parkinson's. That was 10 my understanding. 11 BY MR. DICKENS: 12 Q. Yet there were some within the company who were 13 questioning whether or not Syngenta should even be 14 selling Paraquat, right? 15 MS. BRIER: Objection to form, foundation. 16 THE WITNESS: I am not aware of that. 17 MR. DICKENS: Let me go ahead and mark 18 Exhibit 5. 19 (Plaintiff's Exhibit No. 5 was marked for 20 identification) 21 BY MR. DICKENS: 22 Q. Ms. Duvall, I'm going to begin by directing your 23 attention specifically to the second to last page. 24 Towards the top of that page is an e-mail from October 25 1, 2001 from Kay Carter to you forwarding an e-mail
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1 MS. BRIER: Objection to form. 2 You can answer. I'm sorry. 3 THE WITNESS: Yes. Again, I don't 4 understand your question, because if used according 5 to the label, my understanding is that pesticide 6 products, including Gramoxone, are not toxic to 7 applicators. 8 BY MR. DICKENS: 9 Q. And that was your understanding throughout your 10 entire employment at Syngenta from 1999 to 2011, right? 11 A. Yes. 12 Q. And that isn't -- you developed that 13 understanding based on your conversations with other 14 colleagues in Syngenta, including its Scientific Team? 15 A. Yes, and also my interactions with EPA websites 16 and what I heard at EPA meetings and what I read in 17 pesticide documents. 18 Q. When you say pesticide documents, are those 19 internal Syngenta documents? 20 A. No. 21 Q. Was it your understanding that Paraquat -- was it 22 your understanding that there was no evidence that 23 Paraquat could cause Parkinson's Disease during the 24 course of your employment from 1999 to 2011? 25 A. Can you repeat the question?	1 Position Statement asking you, "Sherry, will you 2 follow-up when you return?" 3 Do you see that? 4 A. Yes. 5 Q. And the e-mail that was forwarded to you -- well, 6 first of all, Kay Carter, once again, she was your 7 supervisor at this time, right? 8 A. Yes. 9 Q. And she's forwarding you an e-mail sent from Bob 10 Woods to her from September 27th, right? 11 A. Yes. 12 Q. Do you know who Bob Woods is? 13 A. Yes. 14 Q. Okay. Who was Bob Woods? 15 A. Bob Woods at the time was -- back then, roles 16 were a little different, but I think he was CEO of 17 Syngenta Corporation based out of Wilmington. 18 Q. Okay. So the CEO of Syngenta within the United 19 States; is that fair? 20 A. Yes. 21 Q. And he's responding, Bob Woods, to Kay Carter's 22 e-mail, which is below, from September 24th referencing 23 a statement that you prepared several weeks ago, right? 24 A. That I prepared? I'm sorry. Would you say that 25 again?

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1 Q. Yeah. Bob Woods was responding to a statement
2 that Kay Carter sent him, a statement that you prepared
3 in 2001?
4 A. Yes.
5 Q. And so then Bob Woods, the CEO of Syngenta in the
6 United States, states in the second line, "Paraquat is
7 very sensitive within the company. As I'm sure you are
8 aware."
9 Do you see that?
10 A. Yes.
11 Q. He says, "Statements that imply that Paraquat,
12 the active ingredient, are not harmful to the skin are
13 not correct."
14 That's what Bob Woods said, correct?
15 A. Yes, apparently so.
16 Q. Okay. Now, the document, the Position Statement
17 we looked at earlier that is from November of 2001
18 stated that Paraquat was not toxic unless ingested or
19 severely misused, right?
20 MS. BRIER: Objection to form.
21 THE WITNESS: I'm sorry. Would you please
22 repeat that?
23 BY MR. DICKENS:
24 Q. Yeah. Just that statement that we looked at from
25 the Florida accidental poisoning case, just, once again,

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1 that stated that Paraquat was not toxic unless ingested
2 or severely misused?
3 A. I don't remember the specific wording from that.
4 Q. Okay. Now, Bob Woods goes on in the next
5 paragraph, "This issue came up in Basel."
6 Do you know what he's referring to there?
7 A. I don't, no.
8 Q. Now, was Syngenta's parent corporation, where
9 were they located?
10 A. Basel, Switzerland.
11 Q. Okay. So when it's referencing Basel here in
12 this paragraph, is it your understanding he's referring
13 to the corporate headquarters in Switzerland?
14 A. Yes.
15 Q. He says, "The issue came up in Basel. It's clear
16 that 1/2 of Syngenta have no experience with this
17 product, and as it is one of the three largest global
18 products, we need to be diligent." Right?
19 A. That is how it reads, yes.
20 Q. So in 2001, you were aware that Paraquat was one
21 of the three largest global products for Syngenta?
22 A. I'm aware that that is what he said in this memo.
23 Q. Did you have any reason to question whether or
24 not that would be accurate?
25 A. I am only aware that that is what he said.

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1 Q. And once again, he's the CEO of Syngenta within
2 the United States?
3 A. That is correct.
4 Q. And he goes on Arthur -- is that Einsele?
5 A. Einsele.
6 Q. Okay. Do you know who Arthur Einsele was?
7 A. I don't recall who he was.
8 Q. It says, "Arthur Einsele even raised the question
9 as to whether we should be selling this product."
10 Do you see that?
11 A. I do.
12 Q. Were you aware that there were individuals within
13 Syngenta that were questioning whether or not Syngenta
14 should be selling Paraquat?
15 A. No, at the time, I was not aware.
16 Q. But you became aware of this when Kay Carter sent
17 you this e-mail back in 2001, right?
18 A. Yes. Obviously, it was in the memo.
19 Q. Did you have any conversations with Bob Woods
20 specifically about Paraquat in any way during the course
21 of your employment at Syngenta?
22 A. No, I wouldn't have any reason to have a
23 conversation with Bob Woods about Paraquat.
24 Q. I want to look at now the second page of this
25 document, specifically, the first full e-mail on this

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1 page from Tim Pastoor to you dated October 10, 2001; do
2 you see that?
3 A. Yes.
4 Q. And who was Tim Pastoor?
5 A. He was a toxicologist, a Ph.D. scientist with
6 Syngenta.
7 Q. He said, "Based on Bob's response, perhaps we can
8 re-word the following section."
9 Do you see that?
10 A. Yes.
11 Q. And the re-worded section suggested by Tim
12 Pastoor, second to last line, "Second, the skin is an
13 effective barrier to Paraquat absorption."
14 Do you see that?
15 A. Yes.
16 Q. And that was a message that was conveyed to the
17 public related to Paraquat from the time you were
18 employed in 1999 through at least 2010, right?
19 A. I would -- please repeat the question.
20 Q. During the course of your employment at Syngenta,
21 you would inform the media and others outside of
22 Syngenta that the skin's an effective barrier to
23 Paraquat absorption, right?
24 MR. BARTOSZEK: Objection to form.
25 THE WITNESS: I cannot confirm that this was

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1 or was not added to the document. All I know is that 2 he is -- he said that it was re-worded. 3 Without seeing the actual document and 4 seeing this re-wording on the document, I can't 5 confirm that it was re-worded that way. 6 BY MR. DICKENS: 7 Q. Okay. Taking this particular document aside, do 8 you recall ever telling anybody outside of Syngenta that 9 the skin's an effective barrier to Paraquat application 10 during your employment? 11 A. I can't recall. 12 Q. Can you recall any information you would have 13 provided to individuals outside of Syngenta related to 14 Paraquat absorption through the skin in any way? 15 A. I can't recall. 16 Q. It goes on to say that, "Studies have clearly 17 shown that spray diluted Paraquat is unlikely to 18 penetrate skin unless there are cuts or severe 19 irritation to the skin." 20 Do you see that? 21 A. Yes. 22 Q. And do you recall whether or not this was 23 communicated to people outside of the company? 24 A. I cannot. 25 Q. This e-mail references diluted Paraquat and its	1 BY MR. DICKENS: 2 Q. Yeah. 3 A. -- whether or not it should be sold? 4 Q. Correct. 5 A. I don't recall their specific objections to the 6 product. 7 I do know that, along with many other pesticide 8 products, they didn't like Paraquat. 9 Q. And one of your job roles was to deal with what 10 was referred to within the company as activists, right? 11 A. Yes. 12 Q. And activists would have included NGOs and other 13 organizations that were calling for a ban or restriction 14 on Paraquat? 15 A. Yes. I don't remember specifically if they were 16 calling for a ban on Paraquat, again, but Paraquat I 17 know definitely was on the list of pesticides that they 18 were targeting. 19 Q. And it was on a group referred to as the Dirty 20 Dozen; do you recall that? 21 A. I don't recall. 22 Q. Do you recall any of the NGOs or organizations 23 that, as you say, did not like Paraquat? 24 A. I don't remember specifically. 25 MR. BARTOSZEK: Dave, if we're going to move
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1 ability to penetrate the skin. 2 Are you aware that, prior to spraying, users of 3 Paraquat need to mix the product with a surfactant? 4 MS. BRIER: Object to form. 5 THE WITNESS: These questions are better 6 asked of somebody who is more familiar with the use 7 and application of the product. 8 I am a communicator. I am not a technical 9 person or a scientist who is familiar with those 10 technical aspects of the product. 11 BY MR. DICKENS: 12 Q. But your role was to communicate Syngenta's 13 position to those outside the company, correct? 14 A. Yes. But it's been, what, many years, 10, 11, 15 12 years since I was with the company. I don't remember 16 those kinds of details. 17 Q. Now, as more reports about Paraquat's toxicity 18 began to surface publicly, several NGOs and other 19 organizations began to question whether or not Syngenta 20 should be selling the product in the United States; 21 you'd agree with that? 22 MR. BARTOSZEK: Objection to form and 23 foundation. 24 THE WITNESS: You're asking me if NGOs began 25 to question --	1 to another document, can we take a quick break? 2 We've been going over an hour. 3 MR. DICKENS: Yeah, that's fine. 4 THE VIDEOGRAPHER: The time on the monitor 5 is 11:16 a.m. We are off the Record. 6 (A brief recess was taken in the deposition) 7 THE VIDEOGRAPHER: The time on the monitor 8 is 11:35 a.m. We are back on the Record. 9 BY MR. DICKENS: 10 Q. Welcome back, Ms. Duvall. I want to just 11 follow-up on some answers you gave earlier. 12 You mentioned that part of your knowledge 13 regarding Paraquat was gained from meetings with the 14 EPA; is that right? 15 MS. BRIER: Object to form. 16 THE WITNESS: No, I did not say that. 17 BY MR. DICKENS: 18 Q. Okay. 19 A. I said part of my knowledge on pesticides and 20 proper application of pesticides was gained from EPA, 21 and particularly from websites, that safe application -- 22 that -- I'm sorry -- safe application was possible by 23 following the label with any pesticide, including 24 Paraquat. 25 Q. Did you ever attend any meetings with the EPA

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1 where Paraquat was discussed? 2 A. No. 3 Q. Now, you mentioned, in preparation for today's 4 deposition, you met with your personal attorney and the 5 attorneys for Syngenta, correct? 6 A. Yes. 7 Q. And I don't want to know about any communications 8 with your personal attorney, but did you have any 9 discussions with Syngenta's attorneys? 10 A. Yes, the Syngenta attorney was present. 11 Q. And did the Syngenta attorney tell you anything 12 about today's deposition? 13 MS. BRIER: Objection as to discussions 14 between counsel and the witness, and I'd instruct you 15 not to answer as to the substance of the discussions 16 that we had. 17 MR. DICKENS: It's my understanding that 18 Syngenta is not representing Ms. Ford; is that 19 correct? 20 MS. BRIER: We are in a, I think, common 21 interest representation with Ms. Ford. 22 THE WITNESS: I did sign an agreement 23 originally with Ms. Brier and her firm, and I'm not 24 sure -- and then signed an agreement with 25 Mr. Bartoszek.	1 A. Yes. 2 Q. And PAN is the Pesticide Action Network, right? 3 A. Yes. 4 Q. Earlier in the e-mail, your boss, Kay Carter, 5 states, "The campaign has now reached the United 6 States." Right? 7 A. Yes. 8 Q. And you were certainly aware of PAN or the 9 Pesticide Action Network during the course of your 10 employment with Syngenta? 11 A. The name is familiar to me. 12 Q. And familiar to you both from Paraquat, as well 13 as Atrazine, right? 14 A. I believe so, yes. But I can't associate it 15 specifically with either product. The name is just 16 familiar. 17 Q. At the very bottom of the page, which is the 18 initial e-mail, Page 1, it's from a Cheryl Byrne to you 19 copying a Jay Byrne; do you see that? 20 A. Yes. 21 Q. And Cheryl Byrne's e-mail address is with a 22 v-Fluence, right? 23 A. Yes. 24 Q. v-Fluence was a company hired by Syngenta, 25 correct?
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1 I'm not sure where the agreement with Ms. 2 Brier stands. That's a little fuzzy, but -- 3 MR. DICKENS: It's fair to say Syngenta will 4 instruct the witness not to answer any questions 5 regarding communications with Syngenta's attorneys 6 and her, correct? 7 MS. BRIER: Yes. 8 BY MR. DICKENS: 9 Q. Okay. Going back to where we had left off. 10 We were discussing NGOs and other organizations 11 and their calls for banning or restricting Paraquat; do 12 you recall that? 13 A. I recall that that's what we were discussing. 14 MR. DICKENS: I'll hand you what we'll mark 15 as Exhibit 6 to the deposition. 16 (Plaintiff's Exhibit No. 6 was marked for 17 identification) 18 BY MR. DICKENS: 19 Q. I've handed you Exhibit 6 to the deposition, a 20 document produced in this litigation. The top is an 21 e-mail October 3, 2002. 22 You're one of the recipients; do you see that? 23 A. Yes. 24 Q. "Head's Up: PAN calls on Syngenta to stop 25 Paraquat Production." That's the subject line, right?	1 A. Correct. 2 Q. And they were hired to provide media monitoring 3 and public relation services for Syngenta's herbicides? 4 A. They were hired by Syngenta. I'm not sure that 5 it was specifically for herbicides, but they were hired 6 by Syngenta. 7 Q. And they were hired by Syngenta specific to 8 Paraquat, right? 9 A. I'm not sure that it was specific to Paraquat. 10 Q. v-Fluence did provide services for Syngenta as it 11 related to Paraquat and issues related to Paraquat, 12 correct? 13 A. Again, I'm not sure that it was specific to 14 issues related to Paraquat. 15 Q. Understanding it might not have been specific to 16 it. v-Fluence did, in fact, provide services related to 17 Paraquat? 18 A. Again, I think that v-Fluence was hired to 19 monitor for issues related to Syngenta. 20 Q. For all products? 21 A. Products, and probably picked up -- I'm guessing, 22 this is a guess, but probably picked up this mention of 23 Paraquat as part of its regular monitoring service. 24 Q. When you say regular monitoring service, that 25 service was to monitor media and media reports related

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1 to Syngenta products? 2 A. Yes. 3 Q. And that is a service they provided to Syngenta? 4 A. Yes. 5 Q. And you were designated by Syngenta to be the 6 employee responsible for communicating with v-Fluence? 7 A. Yes. 8 Q. So all communications from v-Fluence related to 9 that monitoring service would be coming through you? 10 A. No, not necessarily. 11 Q. It's fair to say in this e-mail, Cheryl Byrne, 12 she's a v-Fluence employee? 13 A. Yes. 14 Q. And Jay Byrne, who's copied there, is also a 15 v-Fluence employee? 16 A. Yes. At the time, he was. 17 Q. He is the founder of v-Fluence, right? 18 A. I'm not certain that he was. 19 Q. Do you know if there's any relation between 20 Cheryl Byrne and Jay Byrne? 21 A. I believe that there is, but I'm not certain what 22 that is. 23 Q. Now, this particular e-mail, that was sent from 24 Cheryl Byrne to you, right? 25 A. It appears that it was, yes.	1 Q. I've handed you Exhibit 7 dated June 21, 2002, a 2 Consulting Agreement with v-Fluence; do you see that? 3 A. Yes. 4 Q. And the No. 2 here in this Consulting Agreement 5 states, "The field of this Agreement shall cover public 6 relation activities, as requested by Syngenta through 7 its representative, Sherry Duvall." 8 Do you see that? 9 A. Yes. 10 Q. And therefore, whatever v-Fluence would do with 11 respect to its public relation activities, you would be 12 the Syngenta representative who would communicate with 13 them? 14 A. That is not the way that I would interpret this 15 particular sentence. 16 Q. Okay. Why don't we look at No. 6 on Page 2. 17 No. 6 states, "v-Fluence Interactive Public 18 Relations shall advise Syngenta, by written oral 19 communications, as requested, of the status of the work 20 contemplated by this Agreement through Sherry Duvall?" 21 Do you see that? 22 A. Yes. 23 Q. So they would advise Syngenta of written or oral 24 communications through you, right? That's what this is 25 saying?
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1 Q. And on this e-mail of October 2, 2002, you're the 2 only Syngenta employee that's copied? 3 A. I am the only Syngenta employee that is on this 4 particular e-mail. Yes. 5 Q. And the next e-mail that comes is from a Kay 6 Carter who is forwarding that notification from 7 v-Fluence, right? 8 A. Yes. 9 Q. But in this particular e-mail chain, there's no 10 correspondence between you and Kay Carter forwarding 11 that message; is that fair? 12 A. That's correct. 13 Q. But at some point, it appears you would have sent 14 that to your boss, Kay Carter; is that fair? 15 A. That's possible. 16 It's also possible that Cheryl Byrne could have 17 forwarded it to Kay Carter separately. 18 MR. DICKENS: I'll hand you what we're going 19 to mark as Exhibit 7. 20 (Plaintiff's Exhibit No. 7 was marked for 21 identification) 22 MR. DICKENS: And I'll probably come back to 23 Exhibit 6. So it looks like they're all near, but 24 just in case. 25 BY MR. DICKENS:	1 A. I would interpret this particular sentence to 2 mean that they would perform their work as requested by 3 me. 4 Q. And advise you of what work they did, once again, 5 through you, right? 6 A. I would say that you could interpret it that way, 7 and that it would be reasonable to assume that the work 8 that they did would come through me. 9 Q. And it doesn't include any other Syngenta 10 employees here, right? 11 A. That's correct. 12 Q. And indeed, going back to Exhibit 6, that's 13 indeed what was done, right? They notified you of the 14 media monitoring they found regarding the Pesticide 15 Action Network's call to stop Paraquat production, 16 right; that's what they did? 17 A. Correct. 18 Q. No other employees, just you? 19 A. We don't know that, but what we have in front of 20 us is an e-mail where they sent a media monitoring 21 result to me. 22 Q. Now, the very top e-mail, that's from a Janis 23 McFarland, right? 24 A. Yes. 25 Q. And she's calling for an issues sub-team meeting

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1 to discuss the NAFTA Paraquat issue strategy and linkage 2 with the global strategy, right? 3 A. Okay. Can I have just one moment to read that? 4 Q. Of course. 5 A. Okay. Okay. 6 Q. So Janis McFarland, she's calling for an issues 7 sub-team meeting to discuss the NAFTA Paraquat issue 8 strategy, right? 9 A. Yes. 10 Q. And when it refers to NAFTA, is that just simply 11 referring to the United States? 12 A. Typically, that would include Canada and 13 sometimes perhaps Mexico, depending on whether or not 14 the product is used in Mexico. 15 Q. It probably makes sense that it's all of North 16 America, right? 17 A. Yes. 18 Q. And you, indeed, were part of that Issues 19 Management Team at Syngenta, were you not? 20 A. Yes. 21 Q. And you were part of that Issues Management Team 22 since the beginning at Syngenta in 2000? 23 A. I would say that the Paraquat Issues Management 24 Team did not exist beginning in 2000. 25 Because the product -- because Syngenta was so	1 Q. Including what the position would be on some of 2 the science related issues such as Parkinson's Disease; 3 is that fair? 4 MS. BRIER: Objection to form and 5 foundation. 6 THE WITNESS: You know, the scientists 7 established what the facts were and the messages 8 were. The communicators communicated the content. 9 BY MR. DICKENS: 10 Q. Now, the goal of the strategy meeting with 11 respect to Exhibit 6 would be to figure out a response 12 to PAN's request for Syngenta to stop manufacturing 13 Paraquat, right? 14 A. Please repeat the question. 15 Q. Yeah. The goal of the strategy meeting being 16 called by Janis McFarland was to figure out a proper 17 response to the Pesticide Action Network's request for 18 Syngenta to stop manufacturing Paraquat? 19 A. Based on this particular e-mail, I would not 20 agree with that. 21 I would say just, in general, Janis McFarland is 22 calling for a general Paraquat issues strategy meeting 23 for the North American region that links with global 24 strategy. 25 It doesn't say anything about it being connected
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1 new in 2000, this is an issue that kind of ramped up, 2 and the team kind of ramped up, because the product was 3 new. 4 I also wanted to clarify that Paraquat was a 5 little different in that the issues for Paraquat were 6 more centered globally than -- than in the U.S. So -- 7 and what reminded me of that is that, you know, here's 8 Janis McFarland asking Jennifer to set up an Issues 9 sub-team meeting, and that is because the issues were, 10 again, primarily handled at the global level, and we 11 took the global lead and modeled our strategy for 12 Paraquat after the global strategy. 13 Q. So is it fair to say then that decisions related 14 to issues as it involved Paraquat would primarily be 15 made by the parent corporation who would then, in turn, 16 tell those within the United States how to deal with 17 them? 18 A. Yes. 19 MS. BRIER: Objection to form and 20 foundation. Sorry. 21 BY MR. DICKENS: 22 Q. And how to deal with those issues as it related 23 to what to tell the media, correct? 24 A. Media differed a little, but I would say global 25 guided the communication strategy for the U.S.	1 to the PAN call for stopping Paraquat production. This 2 may have prompted it, I'm guessing, but she doesn't 3 specifically say that it is linked to this. 4 Q. Okay. We can agree Janis McFarland's responding 5 to the notification of PAN's calls on Syngenta to stop 6 Paraquat production, right? 7 A. We can agree that it is part of the same e-mail, 8 but her call for the meeting -- there's nothing in her 9 call for the meeting that says anything about the PAN 10 call to stop Paraquat production. 11 Q. We can look at that in a second. 12 First of all, who is Janis McFarland? 13 A. She was Director of Regulatory Affairs. 14 Q. Now, I think you said this, but I'm trying to 15 remember. Prior to becoming involved with Paraquat, 16 were you already working on Atrazine? 17 A. Yes. 18 Q. So you were working on Atrazine before you got 19 pulled into Paraquat? 20 A. Yes. 21 Q. Okay. Now, prior to getting involved with 22 Paraquat, Janis McFarland, the Director of Regulatory 23 Affairs, came to you and said, "If you think Atrazine 24 has issues, wait until we get Paraquat." Isn't that 25 correct?

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1 A. I don't recall. 2 MR. DICKENS: I'll go ahead and mark 3 Exhibit 8 for the Record. 4 (Plaintiff's Exhibit No. 8 was marked for 5 identification) 6 MR. BARTOSZEK: Could you pass that down. 7 THE WITNESS: Sure. Sure. 8 MR. BARTOSZEK: Thank you. 9 MS. BRIER: Thank you. 10 THE VIDEOGRAPHER: Ms. Ford, would you mind 11 moving your mic up a little bit. 12 MR. BARTOSZEK: Oh, sure. 13 Is that better? 14 THE VIDEOGRAPHER: Perfect. 15 BY MR. DICKENS: 16 Q. Okay. Ms. Duvall, I've handed you printouts of a 17 power point presentation that was produced in this 18 litigation titled Influencing Key Stakeholders Gramoxone 19 Inteon Meeting Greensboro, June 17, 2004; do you see 20 that? 21 A. I do. 22 Q. And then there are some notes for the particular 23 power point under each slide; do you see that? 24 A. Yes. 25 Q. And the note on the first page, "Good morning.	1 get Paraquat." 2 Do you see that? 3 A. Yes. 4 Q. And that's what you wrote at the time in 2004, 5 correct? 6 A. According to this. 7 Q. You don't recall, as you said earlier, Janis 8 McFarland having a conversation with you, right? 9 A. I don't recall that. 10 Q. But this document, this would have been created 11 in 2004 for a presentation that you gave to others in 12 Greensboro related to Gramoxone or Paraquat? 13 A. Apparently so. I don't remember the 14 presentation. 15 Q. If we can turn to Page 2. You have a slide here, 16 once again, Influencing Key Stakeholders. You say or 17 cite to a quote, "Our job is to simplify, to tear away 18 the unrelated, to pluck out the weeds that are 19 smothering the product message." 20 Do you see that? 21 A. Yes. 22 Q. Okay. And that's a slide you put together, 23 right? 24 A. I assume so. 25 Q. And the comments here is, "This is what we're
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1 I'm Sherry Ford, Issues Manager for our CP business." 2 First of all, it references Sherry Ford. Did you 3 go by Sherry Ford for some period of time? 4 A. Yes. 5 Q. So this Sherry Ford, that's referring to you, 6 right? 7 A. Yes. 8 Q. And you were Issues Manager for the Crop 9 Protection business at Syngenta? 10 A. Yes. 11 Q. And you were at that time in June 2004, right? 12 A. Yes. 13 Q. And the notes also mention you come from the 14 Novartis side of the merger, and we discussed that 15 already, right? 16 A. Yes. 17 Q. And I messed it up a bunch, but I think I've got 18 it now. 19 It goes on to say, "And I remember Janis 20 McFarland -- once again, she's the Director of 21 Regulatory Affairs in the United States, right? 22 A. Yes. 23 Q. So the Director of Regulatory Affairs in the 24 United States said -- you recall coming to you and 25 saying, "You think Atrazine has issues, wait until we	1 about to do today--burn down those weeds to get at the 2 heart of the product message." That's what you wrote in 3 2004, right? 4 A. It looks as if I did, yes. 5 Q. And you'd agree Parkinson's Disease was one of 6 those weeds that needed to be burned down, wasn't it? 7 MS. BRIER: Object to form. 8 MR. BARTOSZEK: Objection to form, 9 foundation. 10 THE WITNESS: Could you repeat the question? 11 BY MR. DICKENS: 12 Q. Yeah. Parkinson's Disease was one of those weeds 13 that you needed to burn down, wasn't it? 14 MS. BRIER: Same objection. 15 MR. BARTOSZEK: Join. 16 THE WITNESS: No, I would not agree with 17 that. I don't know what that has to do with this at 18 all. 19 BY MR. DICKENS: 20 Q. You agree Parkinson's Disease was smothering 21 Syngenta's product message that Gramoxone was safe? 22 MR. BARTOSZEK: Objection to form. 23 THE WITNESS: No, I don't agree with that. 24 BY MR. DICKENS: 25 Q. You were aware that there was the issue of

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1 Paraquat and Parkinson's Disease that you were managing 2 at this time in 2004, right? 3 A. So first of all, I was not managing that issue. 4 Again, you know, we were taking Global's lead on 5 communications for Paraquat. Parkinson's was part of 6 the Paraquat challenges that we were dealing with. 7 Q. And this particular power point was for 8 influencing key stakeholders, right? 9 A. Apparently, it looks as if it is. Yes. That's 10 the title of this particular slide. 11 Q. And one of your job roles was to convince those 12 key stakeholders that Paraquat did not cause Parkinson's 13 and that it was safe for use, right? 14 A. No. I disagree with that statement. 15 Our job, as communicators, was to communicate the 16 facts about Paraquat according to what we learned from 17 the scientists and technical experts on Paraquat. 18 Q. And one of the goals was to assure that there 19 were no restrictions or bans on Paraquat in the United 20 States? 21 MS. BRIER: Objection to form. 22 THE WITNESS: No. 23 One of our overriding goals was to make 24 sure that Paraquat could be used safely and to make 25 sure that farmers could continue to have Paraquat as	1 Q. And you were aware at this time that countries 2 were banning the use of Paraquat, right? 3 A. This was 2004? 4 Q. Correct. 5 A. I don't recall 2004. 6 Q. Do you recall at any point in time countries 7 banning Paraquat? 8 A. I don't. It's pretty fuzzy to me at this point. 9 I seem to recall France at one point banning Paraquat. 10 Other than that, I really don't remember. 11 Q. Part of your goal was to assure that Paraquat 12 wasn't banned or further restricted in the United 13 States? 14 A. You said part of my -- 15 Q. Part of your role in influencing these key 16 stakeholders was to preserve the license to sell to 17 assure that the product wasn't banned or restricted in 18 the United States? 19 A. That would have been a pretty big responsibility 20 as a communicator. 21 So again, my role as a communicator was to 22 communicate the latest most accurate information on 23 Paraquat according to the scientists, the technical 24 experts and, through the course of that, to make sure 25 that our key stakeholders had the latest information
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1 a tool in their, as we always liked to say, in their 2 herbicide toolbox. 3 BY MR. DICKENS: 4 Q. If I could turn your attention to Page 5. The 5 slide states, "Who are key stakeholders?" 6 Do you see that? 7 A. Yes. 8 Q. Okay. You refer to stakeholders as decision 9 makers, purchasers, movers, shakers in the industry; 10 that's how you defined it, right? 11 A. Yes. 12 Q. One of the goals in communicating with those 13 stakeholders was to "preserve our license" and our being 14 Syngenta, right? 15 A. Yes. 16 Q. Preserve Syngenta's license to sell and freedom 17 to operate, right? 18 A. Yes. 19 Q. And freedom to operate, part of that is to assure 20 that the company could operate without any restrictions 21 on Paraquat or its use of Paraquat in the United States? 22 MS. BRIER: Object to form. 23 THE WITNESS: To continue to operate, to 24 continue to have Paraquat registered as a herbicide. 25 BY MR. DICKENS:	1 available to make the decisions that they needed to 2 make. 3 Q. And you'd agree that it was important for those 4 stakeholders to have the information about the safety of 5 Paraquat, right? 6 A. Of course. 7 Q. So that those stakeholders could make informed 8 decisions about whether or not to use Paraquat? 9 A. Sure. 10 Q. Now, just so we're clear. You kind of turned 11 your answer with respect to you on the communications 12 side. Here in your power point, you're referencing, 13 "Preserve our license to sell and freedom to operate." 14 Are you referring to Syngenta generally here or 15 specifically to the Communications Team? 16 A. Syngenta generally. 17 Q. Okay. And in your notes, you state, "All 18 influence each other. Small universe." Right? That's 19 what you wrote? 20 A. Yes. 21 Q. And it's, "Important to have consistent messages 22 within a stakeholder group and across geographical 23 borders." Right? 24 A. That is -- yes, that's in my notes. 25 Q. You recognize that consumers were influenced by

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1 purchasers, distributors, and others in the chain of 2 commerce, right? They all influence each other, in 3 other words? 4 MS. BRIER: Objection to form. 5 THE WITNESS: I'm not sure how much they 6 influence each other. 7 From our prospective, it was important to 8 have consistent messages. It was important to make 9 sure that we were communicating the facts in every 10 form of communication that we disseminated. 11 BY MR. DICKENS: 12 Q. You may not know whether they all influence each 13 other now. At the time, you said pretty simply, "All 14 influence each other." We can agree to that, right? 15 A. I guess where I'm -- when you're referring to 16 consumers, you understand that we did not market to 17 consumers. We marketed to farmers. I guess that's 18 where I'm hesitating. 19 Q. Okay. That's fine. And let's ask it this way 20 then. 21 You'd agree that farmers were influenced by the 22 purchasers, decision makers, movers, and shakers in the 23 industry, right? 24 A. And again, the farmers are the purchasers. 25 Q. Okay. Right. And they all influence each other,	1 other documents outside of the Science Team? 2 MS. BRIER: Object to form. 3 THE WITNESS: I guess I'm not sure I 4 understand the question. We -- 5 BY MR. DICKENS: 6 Q. I believe you said earlier that the information 7 that you communicated to the outside world would come 8 from the Science Team, right? 9 A. Yes. 10 Q. Did you undertake your own evaluation of the 11 science prior to communicating with the outside world or 12 did you take the Science Team's word for it? 13 MS. BRIER: Object to form. 14 MR. BARTOSZEK: Join. 15 THE WITNESS: The scientists at Syngenta are 16 very knowledgeable or were very knowledgeable about 17 the current body of science on our products, whether 18 it be the EPA decisions on a product or current 19 published science about a product. So I'm not sure 20 what you're asking. 21 If we're putting together -- if the 22 Communications Group put together any kind of 23 document about a product and relied on the scientists 24 for information about -- that would go into that 25 document, the scientists -- we trusted those
Page 75	Page 77
1 right? 2 A. Yes. Some farmers influence other farmers, yes. 3 Q. And some farmers are influenced by distributors 4 and other decision makers, right? 5 A. That is correct. 6 Q. And therefore the information provided to those 7 farmers or to distributors or to other decision makers, 8 those would all influence the farmers' ultimate decision 9 as to whether or not to use Paraquat? 10 A. Yes. I mean, the messaging that we put out there 11 needed to be consistent, and it needed to be accurate. 12 Accuracy of messaging was very important to 13 Syngenta, and to make sure that it was scientifically 14 accurate was very important to Syngenta. 15 Q. And your knowledge as to what was scientifically 16 accurate, that would come from the Science Team, right? 17 A. Yes, and from available EPA and other regulatory 18 authority decisions. 19 Q. In determining what to communicate to farmers, 20 did you undertake your own review and evaluation of the 21 science through EPA documents or otherwise? 22 A. Would you repeat that question? 23 Q. When you were determining what information to 24 convey to farmers or the media, did you undertake your 25 own review of the science through EPA documents or any	1 scientists to provide the most current knowledge 2 about the products, which they would get from their 3 vast knowledge from a variety of sources. 4 MR. DICKENS: I'll move to strike. 5 BY MR. DICKENS: 6 Q. You trusted the Syngenta scientists as with 7 respect to safety information related to Paraquat; is 8 that fair? 9 A. Yes. 10 Q. And you trusted -- the scientists that you 11 trusted were Syngenta scientists, right? 12 A. Yes. 13 Q. Turn to Page 12 of this document. 14 A. Is there a Page 12? 15 MR. BARTOSZEK: There are no numbers. 16 Do you have a bates number? 17 MR. DICKENS: Yeah, I know. The bates 18 number on the bottom ending in 638. 19 BY MR. DICKENS: 20 Q. This slide is Stakeholder Team Members, and it's 21 referencing Activists; do you see that? 22 A. 638 is the bates number? 23 Q. At the -- yeah, at the very -- 24 MR. BARTOSZEK: You have the right page. 25 THE WITNESS: Yes. Yes.

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1 BY MR. DICKENS: 2 Q. And you were the team lead for that, correct? 3 A. Yes. 4 Q. And activists, they were considered stakeholders 5 within Syngenta, right? 6 A. Yes. 7 Q. And what did you mean by the team activists? 8 A. There were NGO groups, environmental groups that 9 would challenge the safety or efficacy of our products. 10 Q. One of those products being Paraquat, right? 11 A. Yes. 12 Q. You mentioned environmental groups. They also 13 included physician groups who might have questioned the 14 safety of Paraquat, right? 15 A. I don't recall any physician groups. It's 16 possible. 17 Q. Would all organizations that question the safety 18 of Paraquat be deemed an activist and fall under the 19 group for which you were team lead? 20 MS. BRIER: Object to form. 21 MR. BARTOSZEK: Object to form. 22 THE WITNESS: Repeat the question, please. 23 BY MR. DICKENS: 24 Q. Would all groups or organizations that questioned 25 the safety of Syngenta's products, including Paraquat,	1 would have been considered an activist, right? 2 A. Yes. 3 MR. DICKENS: Let's move on to Exhibit 9. 4 (Plaintiff's Exhibit No. 9 was marked for 5 identification) 6 THE WITNESS: Thank you. 7 MR. BARTOSZEK: Thank you. 8 MS. BRIER: Thanks. 9 BY MR. DICKENS: 10 Q. Now, Ms. Ford, we discussed earlier the issues 11 sub-team meeting called by Janis McFarland that was in 12 response to the Pesticide Action Network calling for the 13 stopping production of Paraquat, right? 14 A. It appears it was convened to address that issue. 15 Q. Okay. And it includes participants from a 16 meeting on October 14th, as well as updates from a 17 meeting October 10, 2002, right? 18 A. Yes, it looks that way. 19 Q. And you're indeed listed as a participant in each 20 of those meetings, right? 21 A. Yes. 22 Q. And the issue, once again, "PAN has taken its 23 Paraquat ban campaign into the United States." Correct? 24 A. Yes. 25 Q. And there was a discussion at this meeting with
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1 would those organizations fall under the term Activist 2 for which you were the team lead? 3 MS. BRIER: Same objection. 4 MR. BARTOSZEK: Join. 5 THE WITNESS: I'm thinking, because I'm 6 trying to think of any group that would question our 7 products that would not fall under an Activist label. 8 It's been so long, that I really can't recall. 9 BY MR. DICKENS: 10 Q. Okay. 11 A. So I don't know how to answer your question. 12 Q. Would it be fair to say the answer to that 13 question would then likely be within the documents you 14 left behind at Syngenta as to what was considered an 15 activist or not? 16 A. I don't know. I don't know how to answer that 17 question either. I don't know what was left behind in 18 the documents. I don't know what documents were left 19 behind. 20 Q. But as you sit here today, you can't think of any 21 organization who might have questioned the safety of a 22 product that would not be considered an activist, right? 23 A. I can barely even remember the names of the 24 activist groups. 25 Q. It's fair to say Pesticide Action Network, they	1 respect to different issues related to PAN's taking its 2 Paraquat ban campaign to the United States; that was the 3 focus of this meeting, correct? 4 A. I haven't had a chance to look at this. I'm 5 looking at the issue being, "PAN has taken its Paraquat 6 ban campaign into the USA." I haven't had a chance to 7 read the rest of it. 8 So in answer to your question, it looks like the 9 subject of the meeting was that, "PAN has taken its 10 Paraquat ban campaign into the USA." 11 Is there -- are there particular parts of this 12 that you would like me to read? 13 Q. Sure. And I'll direct your attention to those. 14 A. Okay. 15 Q. First of all, in No. 1, "Background on issue as 16 it surfaced in other parts of the world." 17 Do you see that? 18 A. Yes. 19 Q. And it references here, for example, "Dole to 20 eliminate use on bananas." 21 Do you see that? 22 A. Yes. 23 Q. Do you recall Dole ceasing to use Paraquat in the 24 United States, as you sit here today? 25 A. I do not recall that.

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1 Q. No. 2, "Summary of recent issues in NAFTA that 2 could be used by PAN." Right? 3 And NAFTA, once again, that's the North America. 4 So that would be United States, Canada, and Mexico; is 5 that right? 6 A. What is it that you're asking me? 7 Q. NAFTA includes United States, Canada, and Mexico? 8 A. Yes. 9 Q. And then one of those recent issues, if we can 10 turn to Page 2, one of the recent issues in the North 11 America that could be used by PAN was specifically 12 mentioned Parkinson's Disease, right? 13 A. Yes, that is mentioned. 14 Q. Okay. And the company was concerned at this 15 point in 2002 of activists using the link between 16 Paraquat and Parkinson's Disease to call for the stop of 17 production of Paraquat within North America? 18 MS. BRIER: Object to form. 19 BY MR. DICKENS: 20 Q. Is that fair? 21 A. I'm sorry. You're going to have to back up. 22 What are you asking me? And is there something 23 that's relevant to what you're asking me that I can find 24 in this particular summary? 25 Q. One of the recent issues in the United States	1 you mean -- 2 Q. Okay. 3 A. -- what is my understanding? 4 Q. So at this point in time during this meeting, you 5 identified issues that the company was concerned about 6 activists using in the United States, and now there's a 7 section about what Syngenta's steps and plans are going 8 to be, right? 9 A. Again, I don't remember this meeting so -- and I 10 haven't had a chance to read this. So I'm not sure what 11 you're asking me about this. 12 Q. You'd agree, based on the document in front of 13 you, that the company during this meeting, in which you 14 were an attendee, agreed on next steps and plan of 15 action for defending against the activists messaging in 16 North America? 17 A. It appears that during this meeting, some next 18 steps and a plan for NAFTA defense were discussed. 19 Q. Okay. That's all I'm asking. 20 You'd agree with that, right? 21 A. According to this, that's what happened. 22 Q. And under that section above plan of action, it 23 lists you as the contact for the media, about halfway 24 down the page, communication within company; do you see 25 that?
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1 that the company was concerned PAN would use was the 2 link between Paraquat and Parkinson's Disease, correct? 3 A. And you have -- and you've already asked me that, 4 which is the bullet point, the next to last bullet 5 point. 6 Q. And all I'm looking for is an answer there. 7 A. And I've answered that, and I said yes. 8 Q. Okay. So that was Parkinson's and -- Paraquat 9 and Parkinson's Disease was an issue that Syngenta was 10 concerned would be used by activists in the United 11 States? 12 A. It is apparently true, because it's listed here. 13 Q. Okay. 14 A. But I don't recall this meeting. 15 Q. Okay. There's multiple action items then listed 16 under that section of issues in North America that could 17 be used by PAN. Now I've lost my space. Oh, I'm sorry. 18 If you look at the bottom, No. 4, "Agree next 19 steps and plan for NAFTA defense." 20 Do you see that? 21 A. Yes. 22 Q. What's your understanding of what would be 23 included in the section next steps and plan for NAFTA 24 defense? 25 A. Again, I don't understand your question. What do	1 A. Yes, for North America. 2 Q. Okay. And then communications, towards the end 3 of the page, under Action, it says, "Review Paraquat.Com 4 site and determine what else is needed." Then later 5 cites, "U.S. take lead in using the website to 6 disseminate Paraquat information." 7 First of all, did I read that correctly? 8 A. So this is -- again, this is a global initiative. 9 Paraquat.com is a global site where the action is for 10 someone at the corporate level to follow up with 11 somebody at the global level. 12 Q. Okay. And my question was simply, at that point, 13 did I read that correctly? Why don't we ask it this 14 way. 15 Paraquat.com, that was a website that was 16 created, correct? 17 A. Yes, Paraquat.com was created. 18 Q. And it was created by Syngenta? 19 A. Yes. 20 Q. And Syngenta used that website to disseminate 21 information about Paraquat? 22 A. Yes. 23 Q. And those within the United States, such as 24 yourself, used Paraquat.com to disseminate information 25 about Paraquat?

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1 A. We used Paraquat.com to refer those who were 2 looking for information on Paraquat. 3 Q. And what type of people would that be that you'd 4 refer them to Paraquat? 5 A. Primarily media. 6 Q. Okay. Would you refer farmers to Paraquat.com? 7 A. Sometimes. 8 Q. And Paraquat.com, that would include safety 9 information about Paraquat, right? 10 A. Yes. 11 Q. And the company would put the safety information 12 up there and then refer outside sources, such as the 13 media and farmers, to go there to read about Paraquat? 14 A. Yes. 15 Q. And that was the primary source of information 16 regarding the safety of Paraquat that the company would 17 use? 18 A. I would say it was a primary source. 19 Q. And the Paraquat.com included information with 20 respect to Parkinson's Disease, right? 21 A. I believe that there is information about 22 Parkinson's Disease as it relates to Paraquat on that 23 website. 24 Q. And there has been ever since that website was 25 created, right?	1 Do you see that? 2 A. Yes. 3 Q. So at this point in time, it would be your 4 understanding that there would be Standby Statements 5 available on Parkinson's Disease as it related to 6 Paraquat, right? 7 A. According to this, there were at that time. 8 Q. And as Communication Manager, you would have been 9 aware of those Standby Statements, correct? 10 A. Yes, I would assume so. 11 Q. And you would have been involved in the creation 12 of those Standby Statements? 13 A. It's possible. 14 Q. And in doing so, you would have communicated with 15 the Science Team, as you told us before, right? 16 A. If I were involved in the creation of the Standby 17 Statements, then yes, I would have conferred with the 18 scientists at Syngenta. 19 Q. And then they would have provided you information 20 with respect to, in this particular case, Parkinson's 21 Disease and Paraquat, for example, right? 22 A. They would have provided that information to me, 23 yes. 24 Q. How would those communications between you and 25 the Science Team have taken place?
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1 A. I'm not sure about that. 2 Q. Were you aware, during your course of your 3 employment at Syngenta, whether or not Paraquat.com had 4 information about Parkinson's Disease? 5 A. Would you repeat that question? 6 Q. Do you recall, during the course of your 7 employment, the time you worked for the company, whether 8 or not Paraquat.com included information about 9 Parkinson's Disease? 10 A. I don't know. 11 I'm not even sure when Paraquat.com was created. 12 Q. Do you know who created Paraquat.com for 13 Syngenta; was it Syngenta themselves? 14 MS. BRIER: Objection to form, foundation. 15 MR. BARTOSZEK: Form. 16 THE WITNESS: I don't know who created it. 17 BY MR. DICKENS: 18 Q. Was there an outside company or vendor that was 19 used by the company? 20 A. I don't know. 21 Q. Were you involved in any way in the creation of 22 Paraquat.com? 23 A. No. 24 Q. Turn to the next page. It states, middle of the 25 page, "Standby Statements are available on Parkinson's."	1 A. Face-to-face. 2 Q. Who on the Science Team would you confer with 3 with respect to safety issues as it related to Paraquat? 4 A. Primarily Charles Beckenridge and Tim Pastoor, 5 also, Janis McFarland on occasion. 6 Q. Did you ever have written correspondence with the 7 Science Team? 8 A. Yes. 9 Q. And that would have been through e-mail? 10 A. Primarily, uh-huh. 11 Q. So you would have e-mailed questions related to 12 some of the information that would be in these Standby 13 Statements? 14 A. It's possible. 15 Q. And would you send draft Standby Statements to 16 the Science Team for their review before they were 17 finalized? 18 A. Yes. 19 Q. And that would be done electronically mostly? 20 A. Yes. 21 Q. And also, right under there, it references, 22 "Gramoxone media information pack." And then, "Action: 23 Sherry Ford to distribute to team for internal review." 24 Do you see that? 25 A. Yes.

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1 Q. What would have been included in the Gramoxone 2 media information pack? 3 A. I don't recall. 4 Q. Do you recall anything that would have been in 5 the media information pack? 6 A. I can take a guess, but I can't tell you 7 specifically. 8 Q. The best place to figure that out would be to 9 look in the actual media information pack itself? 10 A. (Nodding head affirmatively). 11 Q. Is that a yes? 12 A. If you have that, yes. 13 Q. Yeah, if I have it. Okay. 14 Okay. And then third to last page, which 15 actually happens to be the next page -- sorry -- at the 16 top, "Communications and interaction of global and other 17 regions." And then there's some actions listed. 18 I'm going to draw your attention to the second 19 bullet point. It says, "v-Fluence are investigating PAN 20 (media and internet)-Sherry Ford is leading this." 21 Do you see that? 22 A. Yes. 23 Q. We discussed v-Fluence earlier and your role with 24 v-Fluence. 25 What were v-Fluence investigating with respect to	1 a break, we're -- 2 MR. DICKENS: Okay. We can take it now. 3 THE VIDEOGRAPHER: The time on the monitor 4 is 12:38 p.m. We are off the Record. 5 (A brief recess was taken in the deposition) 6 THE VIDEOGRAPHER: This begins media No. 2. 7 The time on the monitor is 1:19 p.m. We are back on 8 the Record. 9 (Plaintiff's Exhibit Nos. 10 and 11 were 10 marked for identification) 11 MR. DICKENS: Okay. I'm going to go ahead 12 and hand you what I've marked as Exhibit 10 and 11. 13 I only have two copies. One happens to be 14 missing the first page of counsel's. 15 MR. BARTOSZEK: I will give the complete one 16 to you. 17 THE WITNESS: Okay. 18 MS. BRIER: Thank you. 19 MR. BARTOSZEK: I can share. 20 BY MR. DICKENS: 21 Q. Starting with Exhibit 10, Ms. Duvall. 22 Before our break, we were discussing or discussed 23 a document that referenced a v-Fluence investigating 24 activists; do you recall that? 25 A. Yes.
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1 PAN? 2 A. I don't remember. 3 Q. Did you ask v-Fluence to investigate PAN in any 4 way? 5 A. I don't remember. 6 Q. Syngenta's Communication Team would have outside 7 companies investigate activists, right? 8 A. When you use the term investigate, we would ask 9 -- okay. So let's use v-Fluence as an example. I can 10 -- I can guess about your question, if you would like me 11 to do that. 12 Q. You don't recall, as you sit here today, what 13 your request to v-Fluence would have been? 14 A. I don't recall specifically. I mean, I can guess 15 if you would like me to do that. 16 Q. Well, once again, would the best place be to 17 figure that out is to look at any correspondence between 18 you and v-Fluence around that time? 19 A. If you have that correspondence, that would be 20 the best place, yes. 21 MR. DICKENS: Were they going to notify you 22 guys when lunch arrived? 23 MR. BARTOSZEK: It has. So -- 24 MR. DICKENS: Oh, okay. 25 MR. BARTOSZEK: -- whenever you're ready for	1 Q. And Exhibit 10 is an e-mail from you to various 2 individuals dated November 26, 2002; do you see that? 3 A. Yes. 4 Q. You state, "In addition, v-Fluence has supplied 5 us with its online backgrounder on Paraquat and the 6 activists. Very interesting stuff." 7 Do you see that? 8 A. Uh-huh. Yes. 9 Q. Now, at some point, v-Fluence, at the request of 10 Syngenta, put together a document related to Paraquat 11 and activists; is that your understanding? 12 A. Yes. 13 Q. And once again, it appears that that v-Fluence 14 document would have come to you first, right? 15 A. It appears that way, yes. 16 Q. And then you forwarded it to various individuals 17 at Syngenta, correct? 18 A. Yes. 19 Q. Now, I want to take a look at that actual report 20 which has been marked Exhibit 11. 21 MR. BARTOSZEK: I'm going to object to the 22 form, just because it's not clear to me that the 23 report you were referencing about Paraquat and 24 activists is the same report that's attached to the 25 document which appears to be an internet monitoring

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1 report, but -- 2 MR. DICKENS: Objection noted. 3 BY MR. DICKENS: 4 Q. Now, Exhibit 11, Ms. Duvall is titled Paraquat 5 and the Activists, with v-Fluence on the top; do you see 6 that? 7 A. Yes. 8 Q. It says, "Paraquat and the Activists, A Briefing 9 to Syngenta Crop Protection by v-Fluence Interactive 10 Public Relations dated November 2002." Right? 11 A. Yes. 12 Q. And this does appear to be a report on Paraquat 13 and the activists which was provided to Syngenta by 14 v-Fluence in November of 2002, correct? 15 A. Yes. 16 Q. And as its a v-Fluence and relating to Paraquat 17 and the activists, this would have been a document that 18 you would have received during the course of your 19 employment at Syngenta in 2002; is that right? Sorry. 20 A. Yes. 21 Q. Okay. Turn to Page 3. The numbers are on the 22 very left-hand corner of this document beginning 23 Executive Summary. 24 Under Executive Summary, the second paragraph 25 beginning however states, "However, during the last	1 Q. But it's fair to say, based on this document, in 2 November of 2002, you would have been aware of at least 3 some reports claiming that there may be an increase of 4 acquiring Parkinson's Disease with Paraquat exposure, 5 right? 6 A. That there may have been studies that showed an 7 association with Parkinson's Disease. 8 Q. And then there's also one of the reasons listed 9 in v-Fluence's report on the activists for them 10 attacking Paraquat was farm worker safety and 11 specifically, "farm laborers in developing countries are 12 exposed to dangerous amounts of the herbicide." Right? 13 A. Would you repeat the question? 14 Q. Yes. One of the other reasons cited by v-Fluence 15 for why the activists were attacking Paraquat was based 16 on farm worker safety, which included "farm laborers in 17 developing countries being exposed to the developed -- 18 to dangerous amounts of Paraquat?" 19 A. Yes, that is how it reads. Yes. 20 Q. And then on Page 5 of the document, v-Fluence 21 lays out a history of Paraquat on the activists or and 22 activists. 23 Then I'm going to turn your attention to Page 11, 24 and they provide some conclusions; do you see that? 25 A. I do.
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1 fifteen years, the focus has shifted to more serious 2 matters, and several activist groups have called for an 3 outright ban on all uses of the herbicide." 4 That's referencing Paraquat, right? 5 A. Yes. 6 Q. And we've discussed earlier about PAN calling for 7 an outright ban on Paraquat, correct? 8 A. Yes. 9 Q. Then it goes on to say, "Paraquat is attacked for 10 the following reasons," and then lists some bullet 11 points; do you see those? 12 A. Yes. 13 Q. One of those bullet points in v-Fluence's report 14 is Parkinson's Disease, right? 15 A. Yes. 16 Q. And it states, "A number of reports have claimed 17 that exposure to Paraquat, especially in combination 18 with other chemicals, may increase chances of acquiring 19 Parkinson's Disease." 20 Did I read that correctly? 21 A. You did. 22 Q. Now, at this time, in November of 2002, were you 23 aware of animal or toxicological data linking Paraquat 24 with Parkinson's Disease? 25 A. I don't remember.	1 Q. Now, it begins by saying, "As noted in the 2 Atrazine report." 3 Now, v-Fluence, I think as we discussed earlier, 4 was also working with Syngenta on some Atrazine work, 5 correct? 6 A. I believe they were, yes. 7 Q. And that Atrazine work was related to information 8 related to attacks on the safety of Atrazine, correct? 9 MS. BRIER: Objection to form. 10 BY MR. DICKENS: 11 Q. Sorry. V-Fluence was working on a report related 12 to attacks on Atrazine related to its safety profile; is 13 that fair? 14 A. A tax? 15 Q. Correct. 16 A. I'm not understanding your question. 17 Q. We saw in Page 1 of this document stated, 18 "Paraquat is attacked for the following reasons." And 19 then it listed those reasons, right? 20 A. Oh, attacks. 21 Q. Yeah. 22 A. A-T-T-A-C-K-S. 23 Q. Not a tax. I got you. I need to enunciate more. 24 Yeah. 25 So what I was -- the question was: V-Fluence was

Page 98 1 working on similar issues with respect to Atrazine, even 2 if it involved different safety issues? 3 A. I am not recalling precisely what they were doing 4 in regard to Atrazine. 5 Q. Now, part of the report on Paraquat and the 6 activists, on the very bottom of Page 11, includes 7 information on EnviroHealthAction; do you see that? 8 A. I do. 9 Q. Okay. And it's labeled "is a place where the 10 health community can learn and take action on various 11 environmental issues and topics." Right? That's what 12 v-Fluence reports here? 13 A. Yes. 14 Q. Okay. And so EnviroHealthAction, that's a -- 15 that was considered an activist that was part of 16 v-Fluence's report to Syngenta, correct? 17 A. Yes, it's part of this. 18 Q. Okay. And that's a place that includes 19 individuals within the health committee -- community, as 20 stated by v-Fluence, right? 21 A. I'm sorry. I'm looking at this, and I'm trying 22 to understand the context of this while also -- 23 Q. Okay. Take your time. 24 A. -- understanding your question. 25 Q. Let me know when you're ready.	Page 100 1 A. It is. 2 Q. And we can agree that the reference to Physicians 3 for Social Responsibility, that's just not randomly 4 inserted unless there was some role that that 5 organization had or was considered as an activist by 6 v-Fluence? 7 MS. BRIER: Object to form. 8 THE WITNESS: I don't know how they 9 considered -- I don't know what they considered that 10 group to be. They are saying that this group 11 supported this other group. 12 BY MR. DICKENS: 13 Q. So you don't know whether or not their inclusion 14 in this report is because it's an activist or for some 15 other unknown reason? 16 A. I don't know the context of this. 17 Q. Okay. Well, this was a report that was put 18 together at Syngenta's request, right? 19 A. It is. 20 I'm just saying I don't know the context for this 21 particular EnviroHealthAction group and how it pertains 22 to Paraquat. 23 Q. Now, v-Fluence also put together a list of terms 24 most frequently associated with Paraquat for media hits 25 and top search engine hits, right?
Page 99 1 A. Okay. And your question was? 2 Q. EnviroHealthAction, that is made up of members of 3 the health community, as is reported from v-Fluence to 4 Syngenta, right? 5 MR. BARTOSZEK: Object to form. 6 MS. BRIER: Object to form. 7 MR. DICKENS: In sync. 8 THE WITNESS: That is not the way I 9 interpret this. 10 BY MR. DICKENS: 11 Q. That's fine. 12 If we can turn to the next page. V-Fluence goes 13 on and says, "EnviroHealthAction claims to be an action 14 center that provides an online community for health 15 professionals. However, they are supported by 16 Physicians for Social Responsibility, a member of the 17 International POPs Elimination Network." 18 Do you see that? 19 A. I do. 20 Q. Okay. And so the reference to Physicians for 21 Social Responsibility, that is, once again, a group that 22 v-Fluence is deeming an activist, right? 23 A. I don't know how they characterize that group. 24 Q. We can agree this report is titled Paraquat and 25 the Activists, right?	Page 101 1 A. Are you referring to about halfway down the page? 2 Q. I am, yes. 3 A. Okay. Yes. 4 Q. And that's something that v-Fluence did based on 5 their monitoring of the online community as it related 6 to Paraquat, right? 7 A. Is that stated somewhere in this report? 8 Q. Yeah. I can find it. 9 Okay. Why don't I just ask it this way: Do you 10 know what -- why v-Fluence included or what's included 11 in v-Fluence's reports when it lists the terms most 12 frequently associated with key term Paraquat; do you 13 have any idea what that section means? 14 A. I don't know how they arrived at these terms. 15 Q. Okay. And understanding you may not know how 16 they arrived at it, do you understand what it is 17 supposed to mean to Syngenta for who requested this 18 report? 19 A. I don't. Without knowing how they arrived at 20 these terms, the answer to your question is no. 21 Q. Turn to the next page. V-Fluence reports to 22 Syngenta, "Paraquat alone is not a hot topic for the 23 general public yet, with fewer than 800 searches on the 24 top engines in the past month." 25 Do you see that?

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1 A. Yes. 2 Q. So this references the fact that over the past 3 month, there were less than 800 total searches on 4 Paraquat nationwide; isn't that correct? 5 A. Yes, according to this. Uh-huh. 6 Q. And the searches that they provided further break 7 down of what those searches were, right, of those 800; 8 762 Paraquat alone, 36 Paraquat poisoning, 25 operation 9 Paraquat, right? 10 A. Yes. 11 Q. And we can agree that there's nothing within 12 those searches of Paraquat and Parkinson's Disease, 13 right? 14 A. Yes. 15 Q. And indeed, in that list beforehand that provides 16 terms most frequently associated with Paraquat, past 17 years media hits and top search engine hits, there's 18 nothing there related to Parkinson's Disease, right? 19 A. Correct. Parkinson's is not listed. 20 Q. Now, on the next -- or on Page 15 of the 21 document, there's some short-term recommendations; do 22 you see that? 23 A. I do. 24 Q. And it says, "In addition to the current 25 monitoring." And once again, v-Fluence at this point	1 supportive facts to combat any attacks on Parkinson's 2 Disease? 3 MS. BRIER: Object to form. 4 BY MR. DICKENS: 5 Q. Is that right? 6 A. Yes. It appears that that is what they're 7 recommending. 8 Q. They recommended, "Develop generic content 9 documents and background materials to be published -- to 10 publicly leveraged by third parties via earned media and 11 viral (online) marketing." That was a recommendation 12 v-Fluence made to Syngenta, right? 13 A. Yes. 14 Q. Okay. What is meant by earned media? 15 A. Can I take just a second to read this? 16 Q. Of course. 17 A. I would have to take a guess at what this means. 18 Q. Okay. What do you think it means? 19 A. What I think it means is that they are 20 recommending that some basic articles or documents be 21 created and disseminated to third parties who would then 22 pitch it to media and tailored according to their own 23 personal knowledge or expertise and placed in certain 24 media. 25 Q. Okay. So specifically Syngenta would provide
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1 was doing consistent monitoring of the online community 2 and media related to Paraquat, correct? 3 A. I believe they were. 4 Q. And they were reporting what they found with 5 respect to those media hits and the online community 6 directly to Syngenta? 7 A. Yes. 8 Q. And that was through you, once again, right? 9 A. Yes. 10 Q. So in addition to that monitoring, the following 11 actions were recommended, and then they list some here; 12 do you see that? 13 A. I do. 14 Q. Okay. Now, one of those is Content, and the 15 recommendation is, "Develop simple messaging, risk 16 communication talking points, and supportive facts to 17 reflect key attacks." 18 Do you see that? 19 A. Yes. 20 Q. And those three key attacks, one of those being 21 safety, was specific in areas of Parkinson's; do you see 22 that? 23 A. Yes. 24 Q. Okay. And so the recommendation from v-Fluence 25 was for Syngenta to develop a simple messaging and	1 third parties with general background documents on a 2 particular issue is Step 1, right? 3 A. Yes. So -- 4 Q. And then -- 5 A. -- provide the basics for articles that then 6 would be placed by third parties. 7 Q. And then with the hope or the goal that those 8 third parties would then put that out into the media, 9 right? 10 A. Yes. 11 Q. And put that out in support of Syngenta's 12 position? 13 A. All based on facts that would come from 14 Syngenta's scientists. 15 Q. So the third parties would put it out in the 16 media based on the background information as provided to 17 them by Syngenta through those background documents? 18 A. Yes. 19 Q. And there's some examples of ways to do that. 20 Paraquat backgrounder, generic news release. Then it 21 says, "Paraquat op-ed (generic body), Paraquat 22 letter-to-the-editor." 23 Those were some of the ways that v-Fluence 24 recommended that this could be done, right? 25 A. Yes.

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1 Q. Now, Syngenta did for its herbicides assist in 2 the drafting of op-eds and letters-to-the-editor, 3 correct? 4 A. I'm not sure that any of this was developed. So 5 these are recommendations, but I'm -- I don't recall 6 whether or not any of these actually took place. 7 Q. Okay. Are you saying these actually did not take 8 place or you just can't recall as you sit here today? 9 A. I can't recall. 10 Q. And in order to know whether or not these did 11 take place, once again, it would be within Syngenta's 12 documents, right? 13 A. Yes. 14 Q. Do you recall Syngenta ever assisting in 15 preparing op-eds as it related to its herbicides? 16 A. I believe that we may have, but I can't give you 17 specifics. 18 Q. So you don't know whether or not it was done for 19 Parkinson's, for example? 20 A. I don't remember. 21 Q. The next under Research, "Identify potential 22 allies, (groups and individuals)." That was one of the 23 recommendations to Syngenta was to find groups and 24 organizations and individuals who could be allies for 25 Syngenta with respect to attacks against it from the	1 Syngenta, correct? 2 A. Yes. 3 Q. And part of that was optimizing pages for search 4 engines, right, SEO? 5 A. Yes. 6 Q. And that's one of the recommendations that 7 v-Fluence gave to you in this November of 2002 report, 8 right? 9 A. Yes. 10 Q. And part of that was to optimize web pages that 11 were supportive of Syngenta's position as it related to 12 the herbicides? 13 A. That's a common practice that many companies do 14 for marketing purposes. 15 Q. And that was done by Syngenta for Paraquat, for 16 example? 17 A. We could have done it for Paraquat. 18 Q. You don't know as you sit here today? 19 A. I don't recall whether or not we did, but it's 20 possible. 21 Q. Go to 9. The recommendation from v-Fluence was a 22 "Rapid response program using content developed and 23 trained third parties to generate realtime responses to 24 attacks on Paraquat and Atrazine." Right, that's one of 25 their recommendations?
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1 activists, right? 2 A. Yes. 3 Q. Next page, under No. 7, another recommendation 4 from v-Fluence? 5 A. Is there another page? 6 MR. BARTOSZEK: Could we go off the Record 7 for one second? 8 MR. DICKENS: Yeah. 9 THE VIDEOGRAPHER: The time on the monitor 10 is 1:43 p.m. We're off the Record. 11 (A discussion was held off the Record) 12 THE VIDEOGRAPHER: The time on the monitor 13 is 1:43 p.m. We are back on the Record. 14 BY MR. DICKENS: 15 Q. Okay. So No. 7, "Support allies in posting 16 relevant documents online and optimizing pages for 17 search engines." 18 Do you see that? 19 A. Yes. 20 Q. And in your CV, you had, under your Syngenta 21 role, something SEO, right? 22 A. Yes. 23 Q. And that's search engine optimization? 24 A. Correct. 25 Q. And that's something you were involved with for	1 A. Yes. 2 Q. And do you know, as you sit here today, whether 3 or not that was actually implemented? 4 A. I don't recall. 5 Q. And No. 10, "Create online tools to link and 6 leverage support and/or opposition to banning for 7 Paraquat/Atrazine." 8 That's a recommendation made by v-Fluence, right? 9 A. Yes, according to this it is. 10 Q. And number or letter (a) that's included there 11 says, "Create Paraquat.com website with facts from 12 Syngenta, including automated response from Syngenta to 13 the Berne Declaration Tool." 14 Now, we discussed Paraquat.com previously, right? 15 A. We did. 16 Q. This recommendation is to create a Paraquat.com 17 website, right? 18 A. Yes. 19 Q. Do you know whether or not Paraquat.com was in 20 existence at this time in November of 2002? 21 A. I don't. 22 Q. Do you recall v-Fluence assisting in the creation 23 of Paraquat.com? 24 A. I don't. It's quite possible that they did not 25 even know it existed when they made this recommendation.

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1 Q. Okay. Do you recall having any conversations or 2 correspondence with v-Fluence after receiving this 3 report? 4 A. I don't remember. 5 Q. Would it have been typical for you to have 6 communications or correspondence with v-Fluence with 7 respect to their short-term recommendations? 8 A. Of course, yeah. It would be very typical. 9 Q. And would those communications be done by e-mail, 10 electronically? 11 A. It's possible. 12 Q. And how would it typically be that you would -- 13 if you wanted to accept one of these recommendations and 14 have v-Fluence assist in that, how would that go about; 15 how would you get v-Fluence onboard to help out? 16 Would you make that decision on your own? Would 17 you bring it up the food chain? Who would make that 18 ultimate decision? 19 A. It would probably be a joint decision among 20 several people at Syngenta. 21 Q. And then once that decision is made, how would 22 that be communicated to v-Fluence? 23 A. I'm not sure. Probably not face-to-face, as we 24 were not even in the same state. So it could be e-mail. 25 It could be via telephone.	1 Q. Okay. Fair enough. 2 All right. Now, going back to Exhibit 12. Now, 3 this is a document Issue title Paraquat, date May 29, 4 2003, and then there's some country communicators, one 5 of which is you, right? 6 A. Yes. 7 Q. Okay. And it references the date Issue Team was 8 initiated March 2002. 9 Now, we discussed Issue Team before. There was 10 indeed an Issue Team specific to Paraquat with respect 11 to the handling of issues within the United States, 12 right? 13 MS. BRIER: Object to form. 14 THE WITNESS: I'm trying to verify that this 15 is -- if you just give me a moment -- 16 BY MR. DICKENS: 17 Q. Yeah, take your time. 18 A. -- to wrap my arms around this. It's very tiny 19 type. 20 Q. That it sure is. That's not ideal. 21 A. So under Issue level, there is nothing checked on 22 mine, but based on -- based on the employees who are 23 listed, it looks like it is a regional level. So I'm 24 assuming that this is a North American or a NAFTA region 25 template.
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1 Q. And once again, you don't know, as you sit here 2 today, what, if any, of these recommendations were 3 accepted? 4 A. I don't remember. 5 MR. DICKENS: Why don't we go ahead and mark 6 Exhibit 12, just the one page. 7 (Plaintiff's Exhibit No. 12 was marked for 8 identification) 9 BY MR. DICKENS: 10 Q. And before I get to Exhibit 12. 11 You mentioned that v-Fluence wasn't even in the 12 same state. Where is v-Fluence located; was that in St. 13 Louis, Missouri? 14 A. I believe so. 15 Q. Okay. And so your communication, if you did call 16 them, they were headquartered in St. Louis; is that 17 right? 18 A. V-Fluence was a -- they didn't really have a 19 headquarters. It was a group of individuals who were 20 located in various parts of the country. 21 Q. Cheryl and Jay Byrne, we saw them before on one 22 of the documents, were they -- do you know where they 23 were located? 24 A. I think they were located in different parts of 25 the country.	1 Q. Okay. And understanding it's a NAFTA or North 2 America template, and it involves Paraquat is the Issue 3 title, it would have been an Issue Team that you would 4 have been a part of, right? 5 A. Yes. 6 Q. And under Issue Summary, it once again refers to 7 activists calling for bans based on worker safety. 8 "Accidental and intentional ingestion sometimes leading 9 to death and the alleged link to Parkinson's are also 10 problematic." 11 Do you see that? 12 A. Yes. 13 Q. And once again, in 2003, Parkinson's was 14 considered to be problematic for Syngenta, right? 15 MR. BARTOSZEK: Objection to form. 16 THE WITNESS: It looks like accidental and 17 intentional ingestion and the alleged link to 18 Parkinson's were problematic at that time. 19 BY MR. DICKENS: 20 Q. Okay. And sure. The company considered those 21 reports or allegations linking Paraquat to Parkinson's 22 as a problem for the company, right? 23 A. It certainly was something that needed to be 24 addressed. 25 Q. And part of the reason it was a problem, there's

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1 a section Potential Financial Impact; do you see that? 2 A. Okay. So where are we? Okay. Yes. 3 Q. Okay. And the "Financial impact in US is 10 to 4 50% of \$60 million Paraquat sales or 6 to 30 million." 5 Right? 6 A. I have to assume that is right. That would have 7 been something that one of the business managers would 8 have had to have filled out, which is why people from 9 the product and business side of the Paraquat business 10 are also listed on this form. 11 Q. Okay. So in this form in 2003, the business side 12 of Syngenta was undertaking an analysis of what the 13 financial impact would be if there were bans or 14 restrictions on Paraquat, right? 15 MS. BRIER: Object to form. 16 THE WITNESS: I have to assume that they 17 wrote down the numbers that they felt were 18 appropriate for management of this issue. 19 BY MR. DICKENS: 20 Q. Sure. But that is something that they were 21 analyzing, right, at this time in 2003? 22 A. Yes. 23 Q. And then it lists what the issue is, and under 24 Parkinson's Disease, it states, "Studies have shown 25 effects similar to Parkinson's Disease when mice are	1 Q. And the position, there's a position listed with 2 respect to Parkinson's Disease, correct? 3 A. Yes. 4 Q. And it states that, "The studies in question have 5 little real-world relevance, as the mice were 6 administered doses vastly greater than the comparably 7 minute amounts to which people are exposed." 8 That was the position of Syngenta at this point 9 in 2003? 10 A. Yes, it looks like it was. 11 Q. And it goes on, "In addition, the method of 12 administering the chemicals (injection directly into the 13 body) is not a realistic route of exposure to humans." 14 Right? 15 A. Correct. 16 Q. Once again, that's the position of Syngenta 17 related to those studies? 18 A. Yes. 19 Q. Now, in response to the issue of an alleged link 20 to Parkinson's, your goal, as part of the Communications 21 Team, was to reduce the impact of campaigns to restrict 22 the sales of Paraquat? 23 MR. BARTOSZEK: Objection to form. 24 THE WITNESS: No. 25 My role, as a communicator, was to make
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1 injected with a combination of Paraquat and Maneb, a 2 fungicide." Right? 3 A. Yes, that is what it says. 4 Q. So the earlier documents we've looked at 5 referenced the issue of Paraquat being linked to 6 Parkinson's Disease when used alone, correct? 7 MS. BRIER: Objection to form. 8 THE WITNESS: I'm not sure what the previous 9 studies had said. 10 BY MR. DICKENS: 11 Q. Okay. 12 A. I don't remember the details of any of the 13 studies from that long ago. 14 Q. It's fair to say, though, in this particular 15 report, it's referencing the issue of Parkinson's when 16 there's a combination of both Paraquat and the fungicide 17 Maneb, right; that's what this document is referring to? 18 A. That's what this document says, but again I -- 19 you know, that is something that would have been 20 contributed by the scientists and the scientists would 21 know about, not me. 22 Q. Okay. And indeed, there's right under there, the 23 position of the company with respect to each of these 24 issues, right? 25 A. There are -- there are positions listed, yes.	1 sure that the facts about Paraquat were communicated 2 to our audiences. 3 BY MR. DICKENS: 4 Q. In order to protect Syngenta's license to sell 5 and freedom to operate, right? 6 A. In order to make sure that when registration 7 decisions were made, that the -- what was -- the 8 information that was out in the public was the correct 9 information. 10 Q. Okay. Now, you just referenced registration 11 decisions; is that with respect to the EPA? 12 A. Yes. 13 Q. Okay. So did you communicate directly to the EPA 14 in your role? 15 A. Not in my role, no. 16 Q. So your role was to communicate with other third 17 parties, right? 18 A. My role was primarily to disseminate materials to 19 media. 20 Q. And part of your goal, when disseminating 21 materials to media, was to support Syngenta's position 22 to assure that there was no restriction on Syngenta's 23 freedom to operate? 24 A. Yes, and -- yes. 25 Q. And to ensure that there was no negative impact

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1 on the sale of Paraquat? 2 A. My only role as a communicator was to make sure 3 that the facts about the product were disseminated to 4 our audiences. 5 Q. Once again, facts as determined by Syngenta's 6 Science Team? 7 A. Who evaluated very carefully all of the available 8 science. 9 Q. So that's a yes, facts as determined by the 10 Science Team, right? 11 A. Yes. 12 MR. DICKENS: Let's go ahead and mark 13 Exhibit 13. 14 (Plaintiff's Exhibit No. 13 was marked for 15 identification) 16 BY MR. DICKENS: 17 Q. I'll hand you a document Exhibit 13 produced to 18 us in discovery in this action dated April 26, 2004, 19 Strategic Goal (Syngenta). 20 The strategic goal that's listed, "Protect 21 Syngenta products (both license and freedom to sell) and 22 corporate reputation from the efforts of anti-pesticide 23 organizations." 24 Do you see that? 25 A. Yes.	1 who also dealt with activists. I focused on the North 2 American region. 3 Q. So you were responsible for dealing with 4 activists within North America, right? 5 A. Yes. 6 Q. And you were the team lead for that within North 7 America? 8 A. Yes. 9 Q. And there were others, outside of North America, 10 who were doing the same for their jurisdictions, 11 correct? 12 A. Yes. 13 Q. And there was some sharing of communications as 14 to what those strategies would be from the United States 15 to North America, outside of North America, right? 16 A. Yes. 17 Q. But with respect to -- well, let's look at the 18 Tactical Objectives and Measures, under No. 3, states, 19 "Syngenta defined battlefield and where to fight." 20 Then No. 4, "Bring transparency and reduce impact 21 of anti-pesticide campaigns through means of 22 multidisciplinary." 23 Did I read that correctly? 24 MS. BRIER: Can I have a standing foundation 25 objection as to questions on this document?
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1 Q. And that was one of the goals and tasks that you 2 were responsible for during your time at Syngenta here 3 in 2004? 4 A. What is the document that I am looking at? Do we 5 know the origination of this document? 6 Q. I know it was produced to us. 7 Do you recognize this document in any form? 8 A. I don't recognize this document. 9 Q. Okay. But there is, under Tactical Work Plan, 10 towards the bottom, there's tactics and leads that are 11 listed, right? 12 A. There are. 13 Q. And then there's some, under leads, references to 14 Sherry, correct? 15 A. Yes. 16 Q. Is it your understanding that's referencing you? 17 A. Yes. 18 Q. And indeed, as we looked at before, with respect 19 to efforts of anti-pesticide organizations, those would 20 be considered activists, right? 21 A. Yes. 22 Q. And as we looked at before, you were the team 23 lead for dealing with these activists, correct? 24 A. Yes, in conjunction with global communicators. I 25 worked hand-in-hand with colleagues at the global level	1 MR. DICKENS: You can. 2 MS. BRIER: Thanks. 3 You can answer. 4 THE WITNESS: What was the question? 5 BY MR. DICKENS: 6 Q. Under No. 4, "Bring transparency and reduce 7 impact of anti-pesticide campaigns through means of 8 multidisciplinary." 9 Did I read that correctly? 10 A. Yes. 11 Q. And the measure, "No negative impact on Syngenta 12 registrations or sales." Right? That was the goal of 13 Syngenta? 14 A. Yes. 15 Now, you do understand that the core of all of 16 this goes back to what I've been saying and that is we 17 achieve all of this through communication of the facts 18 about the product; that's how we counteracted activist 19 campaigns at the core of all of this. 20 MR. DICKENS: I'll move to strike everything 21 after yes. 22 BY MR. DICKENS: 23 Q. Under Tactical Work Plan, once again, your name 24 is listed under Lead, right? 25 A. Yes.

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1 Q. And those measures are specific to activists, 2 anti-pesticide activists, correct? 3 A. Yes. 4 Q. Then underneath there, there's Funding Sources. 5 It says, "Activist sources-where are the largest 6 sources, and how could they be diverted? Obtain 7 financials (tax audits) for core activist." That's 8 something Syngenta did, right, is obtain financials of 9 the activists? 10 A. I have no idea what was done or not done in this 11 document. As I said, I don't even recognize this 12 document. 13 Q. What would the purpose of obtaining the 14 financials of the activist groups be? 15 MR. BARTOSZEK: Object to form, foundation. 16 THE WITNESS: I don't know. 17 BY MR. DICKENS: 18 Q. You don't recall any time that Syngenta actually 19 obtained financials for activist groups? 20 A. No. 21 Q. I want you to turn to Page 2. Under Tactic No. 22 2, there's an, "Educate Core Syngenta Group." It says, 23 "Understand the activist by becoming the activist. Join 24 listserves, attend conferences, etcetera," with the 25 resource being Comms and v-Fluence, right?	1 Q. Yeah. How to answer tough questions about 2 Parkinson's Disease as it relates to Paraquat? 3 A. Again, I don't know what all that would entail 4 but, again -- and I don't know whether or not that was 5 done or not done. 6 Q. Your name's listed there, right, as the Syngenta 7 employee responsible? 8 A. It is. 9 MR. DICKENS: Let's go ahead and mark 10 Exhibit 14 for the Record. 11 (Plaintiff's Exhibit No. 14 was marked for 12 identification) 13 THE WITNESS: Oh, I'm sorry. 14 BY MR. DICKENS: 15 Q. I've handed you Exhibit 14, which is an e-mail 16 from you, Sherry Ford, to various individuals at 17 Syngenta dated January 28, 2003; do you see that? 18 A. Yes. 19 Q. Okay. Subject: Response requested: Paraquat 20 media training, right? 21 A. Yes. 22 Q. And it says, "I need a few things from you before 23 our media training session next Tuesday, February 4th." 24 Right? 25 A. Yes.
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1 A. That's what it says, yes. 2 Q. And Comms, do you understand that to be the 3 Communications Team at Syngenta? 4 A. Yes. 5 Q. That's the Communications Team that you were part 6 of? 7 A. I can't be certain, but I would assume so. 8 Q. And indeed, you or Syngenta or employees of 9 Syngenta joined listserves, attended conferences of 10 activists or others speaking out against the safety of 11 Paraquat, right? 12 A. I don't remember doing any of that and, again, I 13 don't know what was done or not done on this document. 14 Q. No. 5. "Train Syngenta CP employees." Is that 15 Crop Protection? 16 A. It is. 17 Q. Okay. And part of that training of employees is 18 "How to answer tough questions about pesticides, organic 19 farming, and activist agendas." Right? 20 A. Yes, that's how it reads. 21 Q. And one of those training of Crop Protection 22 employees would include training on how to handle 23 Parkinson's Disease, right? 24 A. By how to handle Parkinson's Disease, can you be 25 more specific by what you mean by that?	1 Q. And it appears there was an attached 2 questionnaire that was included? 3 A. Uh-huh. Yes. 4 Q. And then on No. 2, "If there are certain Paraquat 5 topics you would like to address during training, please 6 list those on your e-mail when you return your 7 questionnaire." 8 That's what you instructed these individuals, 9 right? 10 A. Yes. 11 Q. And then you give some topics that you plan to 12 cover. It says, "I'm planning to cover the topics of 13 accidental ingestion/suicide. Malaysia/French -- France 14 ban." 15 Now, at this point, did you understand that both 16 Malaysia and France had banned Paraquat? 17 A. From looking at this, I wouldn't be able to tell 18 you if that was a possible ban or if that had actually 19 taken place. 20 Q. Okay. And if we wanted to know whether it was 21 possible or whether you were aware of whether a ban was 22 in place or it was being contemplated, we'd need to look 23 at your file with Syngenta, right? 24 A. Yes. 25 Q. Now, another issue that you planned to cover was

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1 Parkinson's Disease, right? 2 A. Yes. 3 Q. And specifically, when you say a topic to cover, 4 this is a topic you would cover at the media training 5 session with various individuals at Syngenta? 6 A. Yes. 7 Q. Now, the individuals that you sent this document 8 to, those are individuals within the United States 9 Greensboro office? 10 A. Yes, these are individuals who would possibly be 11 considered media spokespeople. 12 Q. Okay. And these were the individuals then that 13 were identified as the ones requiring media training, 14 because they'll be the spokespersons for Syngenta? 15 A. Specifically on Paraquat. 16 Q. And specifically on these topics that you list, 17 including Parkinson's Disease, right? 18 A. Possibly, yes. 19 Q. And then you, at the end of that, state, "Jon, do 20 you have any information on Parkinson's which you can 21 share with me?" And is that specific to a Jon is it 22 Akins? 23 A. Yes. 24 Q. And who was Jon Akins? 25 A. A toxicologist and PhD scientist with Syngenta.	1 specific materials on each and every one of these 2 particular topics? 3 A. I don't remember what I provided to them. 4 Q. Would that have been done electronically? Would 5 you have sent them e-mails with those documents? 6 A. Most likely. 7 MR. DICKENS: Okay. Let's go ahead and mark 8 Exhibit 15. 9 (Plaintiff's Exhibit No. 15 was marked for 10 identification) 11 THE WITNESS: Thank you. 12 BY MR. DICKENS: 13 Q. I'll hand you what's been marked as Exhibit 15, 14 which is a Virgil Scudder & Associates News Interview 15 Checklist, right? 16 A. Yes. 17 Q. Now, this is your handwriting, right? 18 A. It is. 19 Q. So this is a document that you personally would 20 have filled out? 21 A. Yes. 22 Q. And it's a document that would have been filled 23 out on a checklist provided to you by Virgil Scudder, 24 right? 25 A. Yes. This would have been filled out during the
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1 Q. And did Jon Akins provide you any information 2 related to Parkinson's? 3 A. I don't know. I wouldn't be able to remember 4 that. 5 Q. And so if we wanted to know, once again, we'd 6 have to look at your file with Syngenta? 7 A. Yes. 8 Q. Okay. And then you, in the last paragraph, 9 reference you have an excellent trainer lined up, Virgil 10 Scudder with Dick Kulp. 11 Who is Virgil Scudder and Dick Kulp? 12 A. They are media trainers based -- or were based in 13 New York City. 14 Q. And you specifically retained those trainers to 15 come and assist in the media training session, correct? 16 A. Yes. 17 Q. Were you the one who retained them and had 18 communications with them? 19 A. Yes. 20 Q. And did you provide them any materials, before 21 the media training session, with respect to these topics 22 that you wished to cover? 23 A. I don't remember doing that, but it is something 24 I would typically have done. 25 Q. Okay. And you would -- would you have shared	1 media training session. 2 Q. And would you have filled this document out for 3 each of the individuals who went through the media 4 training? 5 A. No. This would have been done as a group during 6 the media training session. 7 Q. When you say a group, is this just one of a 8 smaller subset of documents that you would have created? 9 A. This is the primary document that would have been 10 created during the media training session with the 11 entire group. 12 Q. Now, for example, it says "Media Outlet," and it 13 says, "Today Show." Right? 14 A. Yes. 15 Q. Okay. And so can you tell me when it says, 16 "Today Show," what is that referencing? 17 A. It's a practice session. So it's a -- it's a 18 pretend preparation for an appearance on the Today Show. 19 Q. Okay. And when you did the media training 20 sessions, this is an example if they were on the Today 21 Show. 22 Did you do other examples if they were talking to 23 a news outlet, a newspaper, for example? 24 A. Typically, you only have time for one major 25 interview. So probably not. This is probably the only

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1 one that was done. 2 Q. Do you recall whether or not, during your time at 3 Syngenta, you only did one of these media training 4 sessions with Virgil Scudder or were there multiple 5 media training sessions over the 12 years you were 6 employed at Syngenta? 7 MS. BRIER: Object to form. 8 THE WITNESS: Are you asking me if we only 9 did one for Paraquat or one for all of our products? 10 BY MR. DICKENS: 11 Q. Yeah, that's a good distinction. 12 Specific to Paraquat, do you recall whether or 13 not you only did one or multiple? 14 A. I don't remember if we did more than one for 15 Paraquat or not. 16 Q. Would the media training sessions that you did, 17 whether it be for Paraquat or other herbicides, would 18 those all be with Virgil Scudder & Associates? 19 A. No. 20 Q. There would be other organizations that you would 21 use for media training sessions? 22 A. Yes. 23 Q. And you don't recall, as you sit here, whether or 24 not that was done for Paraquat? 25 A. No.	1 provide a checklist of the points and other statements 2 that should or, in a perfect world, would be made during 3 the course of one of these media interviews? 4 A. Yes. 5 Q. The target audience is listed here, "General 6 public, customers, shareholders, regulators, 7 legislators." Right? 8 A. Yes. 9 Q. Pretty much everybody, right? 10 MR. BARTOSZEK: Object to form. 11 THE WITNESS: Those were identified as key 12 audiences. 13 BY MR. DICKENS: 14 Q. Key audiences to the question of whether or not 15 Paraquat should be banned, correct? 16 A. Those were key audiences for Paraquat messages. 17 Q. And the purpose of this training session was to 18 train Syngenta employees on how to respond to questions 19 such as "Should Paraquat be banned" to get out 20 Syngenta's message to the general public and customers 21 and shareholders, regulatory -- regulators, and 22 legislators, right? 23 A. Would you repeat that question? 24 Q. It wasn't a good one. Let me try it this way. 25 The purpose of the Interview Checklist was to
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1 Q. I've asked it a lot but, again, we'd have to look 2 at your file with Syngenta to know that answer? 3 A. Yes. 4 Q. Okay. The topic for this session was, "Should 5 Paraquat be banned?" Right? 6 A. Yes. 7 Q. Now, it mentions an interviewer, and this is a 8 general reporter. Would you serve as the interviewer of 9 these individuals during these media training sessions 10 or would somebody else? 11 A. No. The media trainer would. 12 Q. And the media trainer would based on, once again, 13 information that you provided to them beforehand? 14 A. Usually, yes. 15 Q. And you would have filled out this Interview 16 Checklist as the media training session was ongoing, 17 right? 18 A. Yes. The group would fill it out together. We 19 would -- it would be a group exercise. 20 Q. Okay. A group exercise after the interview took 21 place or while it was going on? 22 A. It would be a group exercise before any interview 23 took place. 24 Q. I got you. 25 And so was the purpose of this document to	1 provide training to the employees as to what points the 2 company wanted to convey to the general public, 3 customers, and shareholders, right? 4 A. The purpose of this sheet was to identify the 5 main messages that we wanted to communicate about 6 Paraquat in general. 7 Q. And the Perception/Desired Conclusion listed here 8 is no. I'm assuming no, Paraquat should not be banned, 9 correct? 10 A. The conclusion is that Paraquat is a valuable 11 herbicide that should remain on the market. 12 Q. Okay. You mentioned valuable. It also says 13 safe, right? 14 A. The second point is, "Risks are minimal when used 15 as directed." 16 Q. Okay. Under Perception/Desired Conclusion, it 17 says, "Safe and valuable." Right? That's what you 18 wrote here. 19 A. Where are you? 20 Q. On the very top, right before Three "Must Air" 21 Points, the section that says, "Perception/Desired 22 Conclusion." 23 A. Yes. Yes. 24 Q. So the desired conclusion you wanted is for the 25 general public and customers to walk away saying

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1 Paraquat is safe and valuable, right? 2 A. Yes, the perception. Yes. 3 Q. And to get to that desired conclusion, there were 4 three must air points, right? 5 A. Yes. 6 Q. One of those being, "Risks are minimal when used 7 as directed?" 8 A. Yes. 9 Q. And that's points that the Syngenta employees 10 should get across during any media interview, right, 11 that risks are minimal if Paraquat is used as directed? 12 A. That's correct. 13 Q. And then there's some examples of why, and it's 14 40 years; is that 40 years on the market? 15 A. At that time, yes. 16 Q. Now, at this time of the media training session, 17 there was evidence that Paraquat could be linked to 18 Parkinson's Disease, right? 19 A. There's no date on here. So I don't know how to 20 answer that question. 21 Q. Okay. "Example or Proof also registered by EPA 22 in 120 countries." Right? 23 A. Yes. 24 Q. At this point, once again, there was either a ban 25 in Malaysia and France or a contemplation of a ban, as	1 I spoke with at Syngenta, there was no established cause 2 that Paraquat led to Parkinson's Disease. 3 Q. And because of those communications with the 4 Syngenta scientists, one of the must air points was -- 5 did not include the fact that there was some data 6 suggesting there could be a link between Paraquat and 7 Parkinson's, right? 8 MR. BARTOSZEK: Object to the form. 9 THE WITNESS: All I can tell you is that I 10 relied on the Syngenta scientists to evaluate the 11 full body of scientific knowledge, and I communicated 12 those messages. 13 BY MR. DICKENS: 14 Q. Another must air point was that there was no good 15 substitute for Paraquat, right? 16 A. Yes. 17 Q. So the three must air points were that Paraquat 18 was safe and valuable, and there was no other 19 substitute; that boils it down to its essence, right? 20 MS. BRIER: Object to form. 21 THE WITNESS: So those three messages are 22 what we wanted to communicate. 23 BY MR. DICKENS: 24 Q. And communicate to the general public, customers, 25 shareholders, regulators, and legislators, correct?
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1 far as you knew, right? 2 A. I don't know how to answer that question. 3 There's no date, and I don't remember when those bans or 4 potential bans took place. 5 Q. All right. If we can turn to Page 3 of this 6 document. 7 Once again, this is your handwriting, right? 8 A. It is. 9 Q. And there's on the top Paraquat Training 10 February 4, 2003; do you see that? 11 A. Ah, yes. 12 Q. So it's your understanding that this document 13 would have been created in February of 2003? 14 A. Yes. 15 Q. Do you know whether or not there was evidence 16 that Paraquat was linked to Parkinson's Disease in 17 February of 2003? 18 A. Well, if memory serves me correctly, based on 19 previous documents we've reviewed, then there is no 20 evidence that there was certainly association when -- 21 but no scientific link. 22 Q. When you say that, was it your understanding 23 there was no scientific studies at all which linked 24 Paraquat with Parkinson's Disease in February of 2003? 25 A. I'm saying that according to the scientists that	1 A. Yes, and that the risks were minimal when used as 2 directed. 3 Q. And indeed, that was the message that Syngenta 4 conveyed to customers and the general public for your 5 entire time you were at Syngenta, right? 6 A. Yes. 7 Q. There wasn't a time when those weren't the must 8 air points that you wanted to convey to the public, 9 correct? 10 A. Right. 11 Q. Page 2. I want to direct your attention to the 12 bottom left-hand corner. It states Positioning Phrases; 13 do you see that? 14 A. Yes. 15 Q. What is meant by positioning phrases? 16 A. Those are phrases that can be used to transition 17 to your must air messages that are on the first page. 18 Q. Okay. So is it to transition from, say, the 19 difficult questions to the must air points? 20 A. So the rule is that you answer the question, and 21 then you transition. 22 Q. And you added a positioning phrase or a 23 transition here. It says, "Share your concern, but not 24 your conclusion." Right? 25 A. That is a note I took to add to this one that was

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1 mentioned during the training session. 2 Q. What did you mean by, "Share your concern, but 3 not your conclusion?" 4 A. Again, that is a note I took from the media 5 trainer during the training session. So what -- what he 6 meant was, "I understand your concern." 7 Q. Okay. Now, this media training, the purpose was 8 to have these individuals who may serve as spokespersons 9 for Syngenta to take this out into the real world, 10 right? 11 A. Pardon. 12 Q. Yeah, the purpose of training them with respect 13 to this media training is so that those individuals 14 would take these points and training out into the real 15 world if they were to talk to an interviewer? 16 MS. BRIER: Object to form. 17 THE WITNESS: I'm not sure I understand your 18 question. 19 BY MR. DICKENS: 20 Q. Well, you weren't just doing media training to 21 waste time, right? 22 MS. BRIER: Object to form. 23 THE WITNESS: The purpose of the media 24 training sessions was to train our employees to speak 25 about our products in a way that many different	1 Q. And those ordinary farmers would have no reason 2 to expect that if they followed the labeling, their use 3 of Paraquat would lead to Parkinson's Disease, right? 4 A. If an applicator was conscientious and applied a 5 pesticide according to the label, he would be doing all 6 he could at that time to apply the pesticide safely. 7 Q. When you say apply the pesticide safely, if he 8 did all of that, if he followed the labeling and the 9 instructions, inherent in safety is that he wouldn't 10 develop Parkinson's Disease, right? 11 A. I am not an expert at application. 12 So from what I have been told by scientists and 13 by technical experts, that is the messaging that I have 14 been told. 15 Q. And that's fair. And understanding your 16 expertise is in communications, right? 17 A. Yes. 18 Q. And so specifically talking about this media 19 training and what media training you gave to other 20 Syngenta employees, based on those communications, with 21 a topic and target audience to the general public 22 customers, the takeaway, based on those communications, 23 would be that if I use this according to the 24 instructions, I wouldn't develop Parkinson's, right? 25 MS. BRIER: Objection to form.
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1 audiences could understand. 2 So you can see that the very different 3 audiences that we have listed on Page 1, and so we've 4 got farmers. We've got various stakeholders. 5 Sometimes it's different -- it's difficult 6 to speak in a way that all of those audiences can 7 understand so -- and many people aren't used to 8 speaking to media. It's kind of intimidating 9 sometimes. So that is the purpose of media training. 10 BY MR. DICKENS: 11 Q. Okay. And based on the messaging, it would be 12 reasonable for an ordinary farmer to expect that 13 Paraquat was safe, right? 14 A. Farmers understand that when they use any 15 pesticide according to the label, and they follow those 16 label instructions, that any pesticide, according to the 17 label, is safe to use. 18 Q. So with that understanding, based on the 19 messaging of Syngenta to general reporters, an ordinary 20 farmer could expect that as long as they followed the 21 labeling for the product, that Paraquat was safe? 22 A. Yes. 23 MS. BRIER: Objection to form. 24 You can answer. 25 BY MR. DICKENS:	1 THE WITNESS: I can't speak to that. 2 BY MR. DICKENS: 3 Q. And you can't speak to it because nowhere within 4 this media training did you ever inform the general 5 public or customers of the potential link between 6 Paraquat and Parkinson's? 7 MR. BARTOSZEK: Object to form. 8 THE WITNESS: Because I relied on the 9 Syngenta scientists to provide me, as the 10 communicator, with my messaging, and it was up to 11 them to evaluate the scientific information and the 12 body of knowledge that was out there about Paraquat. 13 BY MR. DICKENS: 14 Q. Let's look at some of what that messaging was, 15 starting on Page 3 of this document, which is your 16 handwritten notes which begins Paraquat Training 2/4 or 17 February 4, 2003. 18 Now, there's a topic here, "Danger through skin 19 exposure in hot countries." You reference a Malaysian 20 study, right? 21 A. Yes. 22 Q. Do you know what Malaysian study you're referring 23 to? 24 A. No. 25 Q. Is that a Malaysian study you would have reviewed

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1 yourself? 2 A. I don't remember a Malaysian study. 3 Q. And so whether or not you had ever received it or 4 reviewed it, once again, that would be in your files 5 with Syngenta, correct? 6 A. Yes. 7 Q. But the reporting and the messaging here is that 8 that Malaysian study shows no ill effects when proper 9 precautions are taken, right? 10 A. That's the way it reads. 11 Q. We mentioned this a little earlier. It says, 12 "Dole has stopped using Paraquat." Right? 13 A. That's the way this reads. Yes. 14 Q. And Dole was one of the larger customers of or 15 users of Paraquat in the United States, right? 16 A. I don't know. 17 Q. Message, "Respect their decision, but can be and 18 is used with high level of safety." That's the 19 messaging to the Syngenta employees to convey to the 20 general public, right? 21 A. I'm not sure why this bullet point is on here, if 22 we were planning to use that as a talking point or not. 23 So I don't know how to answer your question. 24 Q. Okay. Next page, there's a bullet point 25 specifically on Parkinson's Disease, right?	1 or not you took more notes on meetings related to say 2 Atrazine versus Paraquat? 3 A. No. 4 Q. What did you -- did you take any notebooks or 5 other documents in which you made notes with you when 6 you left Syngenta? 7 A. No. 8 Q. All right. Did you discard them? Did you leave 9 them at Syngenta? What did you do with your notebooks 10 when you left? 11 A. I left everything at Syngenta. 12 Q. All right. Going back to your notes here on 13 Parkinson's Disease. 14 You wrote at this time, in 2003, "Studies, and 15 then on top ongoing. Scientists dosed rats with extreme 16 amounts." That's what you wrote, right? 17 A. Yes. 18 Q. And then underneath that, you wrote, "No evidence 19 of P-like symptoms." That's Parkinson's-like symptoms? 20 A. I can't tell you for certain, but if you would 21 want me to guess, I would guess that's what it stood 22 for. 23 Q. Okay. And it's under the Parkinson's Disease 24 bullet point, right? 25 A. Yes.
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1 A. So there is a paragraph here labeled Parkinson's 2 Disease. 3 Q. And these are notes that you specifically took in 4 February of 2003, right? 5 A. Yes. Yes. 6 Q. All right. And so I guess, just talking 7 generally, during your 12 years at Syngenta, would you 8 typically make handwritten notes from meetings or from 9 training sessions? 10 A. Occasionally. 11 Q. Did you have a dedicated notebook specific to 12 Paraquat? 13 A. No. Uh-uh. 14 Q. You just have notebooks that occasionally you'd 15 make handwritten notes in? 16 A. I did not have notebooks. I did not have a 17 Paraquat notebook. 18 Q. Did you take notes at most meetings you attended 19 relating to Paraquat? 20 A. I don't remember. 21 Q. Did you keep about the same amount of notes for 22 Paraquat than you did for the other herbicides you were 23 involved in? 24 A. I don't know how to answer that. 25 Q. You don't recall, as you sit here today, whether	1 Q. And is it fair to say that because that involves 2 a scientific issue, that would have been information you 3 would have acquired from the Scientific Team at 4 Syngenta? 5 A. That's correct. 6 Q. It goes on, "Only effects seen when injected 7 directly into brain or body. Not realistic 8 environmental exposure." Right? 9 A. Yes, that's the way it reads. 10 Q. Once again, that would have come from the 11 Syngenta Science Team? 12 A. Yes. 13 Q. Then there's another bullet point. "No one knows 14 what causes Parkinson's." Correct? 15 A. Yes. 16 Q. And that was a message for the Media Team that 17 you were training in February of 2003? 18 MS. BRIER: Object to form. 19 THE WITNESS: I can't say that that's true. 20 In fact, I -- I don't know. 21 BY MR. DICKENS: 22 Q. You have no idea why you wrote these notes with 23 respect to Parkinson's Disease? 24 MR. BARTOSZEK: Objection to form. 25 THE WITNESS: I don't know. I don't know.

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1 I don't know for sure that this was going to be used 2 as a media training message. 3 MR. DICKENS: Okay. I'll put this aside. 4 You guys need another break or do you want 5 to just keep going? 6 MR. BARTOSZEK: We'll take a few minutes. 7 MS. BRIER: Sure. We'll take a break. 8 THE VIDEOGRAPHER: The time on the monitor 9 is 2:41 p.m. We are off the Record. 10 (A brief recess was taken in the deposition) 11 THE VIDEOGRAPHER: The time on the monitor 12 is 2:58 p.m. We are back on the Record. 13 (Plaintiff's Exhibit No. 16 was marked for 14 identification) 15 BY MR. DICKENS: 16 Q. Ms. Duvall, I'm going to hand you what's been 17 marked Exhibit 16 for the Record. 18 Exhibit 16 is Q&A. Paraquat: A unique 19 contributor to agricultural -- agriculture and 20 sustainable development, December 12, 2003. 21 If I could direct your attention to the last 22 page. This particular document has a Syngenta 23 Communications contact, and that's you, correct, Ms. 24 Duvall? 25 A. Yes.	1 Q. Turning your attention to Page 3 and No. 16 of 2 this Q&A. The question being, "Is Paraquat safe for 3 operators?" 4 A. Uh-huh. 5 Q. You see that, right? 6 A. Yes. 7 Q. And operators would include farmers and anyone 8 else spraying Paraquat; is that right? 9 A. (Nodding head affirmatively). 10 Q. Just a verbal answer for the Record. 11 A. I'm sorry. When you say anyone else spraying 12 Paraquat, again, I'm not an expert, but typically 13 pesticide products are only applied by licensed 14 operators. 15 Q. Did you understand in this time, in 2003, that 16 individuals could spray Paraquat as long as they were 17 working for a certified applicator? 18 A. Again, I am not an expert in these areas. So -- 19 Q. So as far as you know, as you sit here today, 20 operators would be those who are licensed to spray 21 Paraquat or other restricted pesticides, right? 22 MS. BRIER: Object to form. 23 THE WITNESS: Yeah, I -- my understanding 24 was that our products could only be applied by 25 licensed operators, but again, I'm not an expert in
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1 Q. Now, can you tell me -- we've looked at a Standby 2 Statement. What is a Q&A within Syngenta? 3 A. It's a document that is used to help employees 4 answer questions about a product. 5 Q. And in this case, to answer questions with 6 respect to Paraquat, right? 7 A. Yes. 8 Q. And the Q&A would include the most up-to-date 9 information related to Paraquat that the company would 10 want communicated to third parties, right? 11 A. Yes. 12 Q. And that includes the general public? 13 A. Usually via media. So yes. 14 Q. And ordinary farmers via media as well? 15 A. Yes. Farmers also via the sales force. 16 Q. Now, the Q&A, would this only be sent or 17 available to certain employees within Syngenta? 18 A. Usually a Q&A is used by spokespeople or media 19 contacts. 20 Q. Is there a particular location database within 21 Syngenta where any employee could go on and pull down a 22 Q&A, for example, on Paraquat? 23 A. Typically, a Q&A is an internal document. 24 Occasionally, it would be revised and used on a website, 25 for instance.	1 these areas. So -- 2 BY MR. DICKENS: 3 Q. Now -- 4 A. But your original question was? 5 Q. Okay. I'll ask a new one, if there was one that 6 was pending. 7 The question, "Is Paraquat safe for operators," 8 is the information underneath there the answer which 9 would be Syngenta's position in response to these 10 particular questions? 11 A. Yes. 12 Q. And so at this time in 2003, on the question of, 13 "Is Paraquat safe for operators," it states, "Under 14 normal use conditions (as recommended on the label and 15 in minor predictable deviations), the product is safe to 16 the user and the bystander." That's Syngenta's position 17 in 2003, right? 18 A. Correct. 19 Q. And that was Syngenta's position through 2011, 20 when you left the company? 21 A. Yes. 22 Q. It goes on, "When spraying Gramoxone." Once 23 again, that's the brand name for Paraquat? 24 A. It is. 25 Q. It states, "Syngenta recommends the operator does

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1 not need any special protective clothing." 2 Did I read that correctly? 3 A. Yes. 4 Q. And that was Syngenta's position in 2003, 5 correct? 6 A. Yes. 7 Q. And that's information that would be told to 8 third parties outside the company if they asked if 9 Paraquat was safe for operators? 10 MS. BRIER: Object to form. 11 THE WITNESS: Yes. 12 BY MR. DICKENS: 13 Q. It goes on, "Normal clothing, long sleeved shirt, 14 long trousers, and waterproof shoes are generally 15 advised for spraying all pesticides, including 16 Gramoxone." Right? 17 A. Yes. 18 Q. Once again, that's the message that would be 19 provided to individuals outside the company who asked 20 whether or not Paraquat was safe for use. 21 MS. BRIER: Same objection. 22 BY MR. DICKENS: 23 Q. Correct? 24 A. Yes. 25 Q. And to your knowledge, was that the position of	1 Paraquat use? 2 A. As of December 12, 2003, yes. 3 Q. And as you sit here today, as you said before, 4 you don't know one way or the other whether or not these 5 answers changed, correct? 6 A. I don't recall whether or not that answer 7 changed. But as of 2003, I can only speak to as of 8 December 12, 2003, that was the answer to that question. 9 Q. And if the answer changed, there would be new 10 Q&As that would be issued, right? 11 MS. BRIER: Object to form. 12 THE WITNESS: If the answer changed, that 13 answer would be updated. 14 BY MR. DICKENS: 15 Q. Who would make the decision to update that 16 information? 17 A. I'm not sure. 18 Q. Well, you were responsible for communicating 19 these messages, right, to people who asked? 20 A. I don't know who would make the decision to 21 change the answer. It could have been any number of 22 people. 23 It could have been Regulatory. It could have 24 been a scientist. It could have been, you know -- so 25 I'm not sure who made the decision to change, if a
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1 Syngenta all the way through 2011 when you left the 2 company? 3 MS. BRIER: Object to form. 4 THE WITNESS: Yes. I don't know if -- I'm 5 not aware that there were any changes made to this. 6 So my answer is yes. 7 BY MR. DICKENS: 8 Q. And you were the Communications Manager for 9 Paraquat leading up until at least 2010, right? 10 A. Yes. 11 Q. Turn the page to No. 17. 12 MS. BRIER: Do you have a bates stamp for 13 that? 14 MR. DICKENS: Oh, yeah. It's 748. 15 MS. BRIER: Thank you. 16 THE WITNESS: I don't know if I'm looking at 17 the most recent version of this. 18 BY MR. DICKENS: 19 Q. Okay. But this is the version from December 12, 20 2003, right? 21 A. That is the date on this. It's a long way from 22 2011. 23 Q. Okay. But at this point in time, you'd agree 24 that this is the information that's being provided to 25 consumers and the general public with respect to	1 change did indeed occur. 2 Q. Do you recall any instance when Q&As were changed 3 with respect to safety questions on Paraquat during your 4 employment? 5 A. I don't remember. 6 Q. So you don't recall who, if anyone, would have 7 come to you and informed you that there was going to be 8 a change for a Q&A? 9 A. I don't remember specifics like that. 10 So I'm only saying that the date on this is 2003, 11 and I left the company in 2011. So I can only vouch for 12 this particular answer being accurate as of the date of 13 this document. 14 Q. And that's all I'm asking you to do. 15 So in 2003, in No. 17, there's a question, "In 16 developing countries with hot climates, the protective 17 clothing you describe is often impractical." 18 You were aware, at this point in 2003, that was a 19 question that was being posed to Syngenta about, in hot 20 climates, the instructions to wear long sleeves, long 21 trousers was often impractical? 22 MS. BRIER: Objection to form. 23 THE WITNESS: Are you asking -- are you 24 asking me to verify the question? 25 BY MR. DICKENS:

Page 154 1 Q. I'm asking you: Were you aware, in 2003, that a 2 question being posed to Syngenta was that the long 3 sleeves, long trousers was impractical in hot climates; 4 were you aware of that? 5 A. Okay. So you understand that the question is not 6 being posed to Syngenta. We are -- 7 Q. All I'm asking you is: Were you aware of that in 8 2003? 9 A. Okay. So I'm sorry. Not to be a stickler, but I 10 just want to make sure I understand your question. 11 When you asked me the question, you said posed to 12 Syngenta. These are questions that were developed in 13 anticipation that Syngenta might be asked them. 14 Q. Okay. So is that you don't know whether or not, 15 prior to December 12, 2003, whether or not Syngenta had 16 reports from individuals in hot climates that the 17 instructions for protective clothing was impractical? 18 A. No. 19 MS. BRIER: Objection to form and 20 foundation. 21 And Sherry, if you could give me a second 22 to object before you answer his question, that be 23 would helpful. 24 THE WITNESS: Okay. Sorry. I'm so focused. 25 MS. BRIER: No problem.	Page 156 1 MS. BRIER: Object to the form. 2 THE WITNESS: So your question again was? 3 BY MR. DICKENS: 4 Q. Syngenta understood that not always wearing 5 gloves and masks was not only a minor, but also a 6 predictable deviation from the labeling instructions in 7 2003, correct? 8 MS. BRIER: Object to form. 9 THE WITNESS: According to the way this is 10 worded, not always wearing gloves and masks were 11 characterized as minor and predictable deviations 12 from the label. 13 BY MR. DICKENS: 14 Q. And I take it that, in crafting these answers, 15 Syngenta was extremely careful on the language that was 16 used, right? 17 A. That was usually the case, yes. 18 Q. And went through several different steps of 19 review to make sure that the language was consistent 20 with Syngenta's position? 21 A. Yes. 22 Q. And understanding that not wearing gloves and 23 masks were a minor and predictable deviation, if a user 24 did not wear gloves and masks, the studies show that 25 Paraquat can and is still safe, correct?
Page 155 1 BY MR. DICKENS: 2 Q. You mentioned that these were questions that were 3 being anticipated by Syngenta, right? 4 A. We thought at the time that these were questions 5 that Syngenta might be asked, and we were trying to 6 determine what answers -- what the answers might be. 7 Q. And now my question is kind of taking that next 8 side. 9 Do you know whether or not that type of question 10 was actually asked -- 11 A. I do not. 12 Q. -- prior to Syngenta? 13 Okay. But it's fair to say, in anticipation of 14 this possible question, Syngenta put together their 15 position on how to answer that, right? 16 A. Yes. 17 Q. And that's what's included under No. 17, right? 18 A. Yes. 19 Q. "This includes circumstances where minor and 20 predictable deviations from the label are taken, such as 21 not always wearing gloves and mask." 22 It's fair to say Syngenta believed not wearing 23 gloves and masks was not only a minor, but also a 24 predictable deviation from the labeling instructions in 25 2003, right?	Page 157 1 A. Yes. 2 Q. And part of that reason, based on Syngenta's 3 position, was that the skin was an extremely excellent 4 barrier to Paraquat; that was Syngenta's position in 5 2003, right? 6 A. Yes. 7 Q. And their position was also, "The product has no 8 vapor pressure to allow it to be inhaled." Correct? 9 A. Yes. 10 Q. Were you aware of any inhalation studies being 11 done by Syngenta on Paraquat? 12 A. I don't remember anything like that, but again 13 that would -- that would be a question for a scientist. 14 Q. Under No. 18, "Isn't Paraquat highly toxic to 15 humans?" Once again, that's an anticipated question, 16 right? 17 A. Uh-huh. 18 Q. So sorry? 19 A. Yes. 20 Q. And the last sentence, "Paraquat is not 21 considered to be a carcinogen or a neurotoxin." Right? 22 A. Yes. 23 Q. And indeed, Syngenta's position has -- up until 24 the point that you left in 2011, was always that 25 Paraquat was not a neurotoxin, correct?

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1 A. Yes, that's correct. 2 Q. No. 18's specific to Parkinson's Disease, right? 3 A. Yes, it is specific to Parkinson's Disease. 4 Q. And so it was anticipated that there would be 5 outside third parties who would be asking questions such 6 as, "Does Paraquat play a role in Parkinson's Disease?" 7 Right? 8 A. Yes, that was on the radar at that time. 9 Q. And once again, under the question is the 10 position of Syngenta at that point in time? 11 A. Yes. 12 Q. And that position is, "There is no scientific or 13 reliable epidemiological evidence to link Paraquat with 14 Parkinson's Disease." Correct? 15 A. Yes. 16 Q. And that was, once again, the same position up 17 until the point you left in 2011? 18 A. Yes. 19 Q. On the next page, the sentence, "Epidemiology 20 studies in areas of high and long-term Paraquat usage 21 have shown no increase of neurotoxic incidents." 22 Did I read that correctly? 23 A. You did. 24 Q. Were you aware at this point in 2003 whether or 25 not there were any epidemiological studies showing	1 you do? 2 A. Yeah, I would say -- 3 MR. BARTOSZEK: Object to the form. 4 THE WITNESS: -- "Let me get back to you on 5 that question. I will check with the experts. 6 However, there are no -- there are no causative links 7 between Paraquat and Parkinson's." 8 BY MR. DICKENS: 9 Q. Do you recall ever doing that, checking with the 10 experts and getting back to someone on the question of 11 Parkinson's Disease, while you were employed with 12 Syngenta? 13 A. I don't remember specifically. 14 Q. If you had done that, would you have made a note 15 or record of that, that you would need to get back to a 16 media contact or a third party about an issue related to 17 Paraquat? 18 MS. BRIER: Object to the form. 19 THE WITNESS: I don't know if I would have 20 made a written note. 21 BY MR. DICKENS: 22 Q. The next paragraph deals with experimental 23 laboratory studies, correct? 24 A. Yes. 25 Q. And it states they're "extremely valuable in
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1 exposure to Paraquat increased neurotoxic incidents? 2 MS. BRIER: Objection to form, foundation. 3 You can answer. 4 THE WITNESS: Would you ask the question 5 again? 6 BY MR. DICKENS: 7 Q. Were you aware at this point in December 12th -- 8 on December 12, 2003, whether or not there were any 9 epidemiological studies showing an increased risk of 10 Parkinson's -- or increased risk of neurotoxic incidents 11 associated with Paraquat use? 12 MS. BRIER: Same objection. 13 THE WITNESS: That would be more of a 14 question for a scientist. 15 So you know, again, I relied on the 16 scientists for the messaging in here. So questions 17 about specific studies I would not be able to comment 18 on. 19 BY MR. DICKENS: 20 Q. You were the Communications contact for this Q&A, 21 right? 22 A. Yes. 23 Q. And so if somebody had asked you, "Well, are 24 there any epidemiological studies showing increased risk 25 of neurotoxic incidents with Paraquat usage," what would	1 understanding the intrinsic hazards of any chemical, but 2 as in this case -- and this case being Paraquat, right? 3 A. Yes. 4 Q. -- it states, "Their results may have little or 5 no relevance in establishing direct risks to farm 6 workers or consumers." And that was Syngenta's position 7 in 2003, right? 8 A. Yes. 9 Q. And that was the position that would be told or 10 communicated to third parties outside of the company, 11 right? 12 A. Yes. 13 Q. Another question that was anticipated in No. 19, 14 "Why has Paraquat been banned in some countries, 15 including Switzerland, where Syngenta is based?" Right? 16 A. Yes. 17 Q. And in fact, Syngenta, as we've established, 18 their headquarters was in Switzerland, right? 19 A. Yes. 20 Q. And Paraquat was banned in Switzerland, right? 21 MR. BARTOSZEK: Object to the form, 22 foundation. 23 BY MR. DICKENS: 24 Q. If you know? 25 A. According to the way this reads, it was never

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1 actually banned in Switzerland. 2 Q. Okay. And you're referencing the actual answer 3 to that question, right? 4 A. Yes. 5 Q. And in fact, before you get there, it says, 6 "Gramoxone received regulatory approval." And it lists 7 countries, including the United States, but the European 8 Union as well, right? 9 A. Yes. 10 Q. Were you aware at any point in your employment at 11 Syngenta that the European Union banned Paraquat use? 12 A. I am not up to speed on that. 13 Q. Let me put this away. 14 Now, throughout 2004, 2005, Syngenta continued to 15 receive reports and studies linking Paraquat to 16 Parkinson's Disease; isn't that true? 17 MS. BRIER: Objection to form, foundation. 18 THE WITNESS: I don't recall the timeline. 19 BY MR. DICKENS: 20 Q. Do you recall, while working for Syngenta, an 21 increase in the number of reports and studies linking 22 Paraquat to Parkinson's? 23 A. I don't remember. 24 MR. DICKENS: Let's go ahead and mark 25 Exhibit 17.	1 Q. Product Manager. 2 The others, they were individuals in Switzerland 3 you said? 4 A. Yes. 5 Q. Were these individuals on the Science Team or in 6 Communications? 7 A. Two were in Communications, and the third I 8 really can't remember his role. 9 Q. Who were the two in Communications? 10 A. Georg Diriwaechter and Ranier Von Mielecki. 11 Q. And you can't remember Michael Voerman's 12 position? 13 A. Correct. 14 Q. Now, you sent this e-mail in September 2005 15 stating, "The article pasted below has raised some 16 questions, and you say, here again, about Paraquat's 17 role in Parkinson's Disease." Right? 18 A. Yes. 19 Q. So it's fair to say that this certainly wasn't 20 the first article that was raising questions about 21 Paraquat and Parkinson's, correct? 22 A. Yes. 23 MR. BARTOSZEK: Object to form. 24 BY MR. DICKENS: 25 Q. And you specifically stated, "As this is a
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1 (Plaintiff's Exhibit No. 17 was marked for 2 identification) 3 BY MR. DICKENS: 4 Q. I may direct your attention specifically to first 5 the last e-mail on Page 1, which is from you dated 6 September 15, 2005; do you see that? 7 A. Yes. 8 Q. With the subject being Paraquat and Parkinson's, 9 right? 10 A. Yes. 11 Q. And who were you sending this e-mail to? 12 A. These are global employees. 13 Q. So these included employees outside of the United 14 States? 15 A. Yes. These were employees based in Switzerland, 16 with a copy to a Product Manager and the head of 17 Corporate Affairs. 18 Q. Is the Communication Manager, was that Sarah 19 Hull? 20 A. Yes, she was head of Corporate Affairs. 21 Q. Sarah Hull was head of Corporate Affairs? 22 A. Yes. 23 Q. Okay. And was Rusty Wendt then the 24 Communications Manager? 25 A. Product Manager.	1 recurring issue for us in the U.S." and that recurring 2 issue is Parkinson's and Paraquat, right? 3 MR. BARTOSZEK: Object to form. 4 MS. BRIER: Object to form. 5 BY MR. DICKENS: 6 Q. Is that right? 7 MR. BARTOSZEK: Same objection. 8 THE WITNESS: Yes, it was -- yes, it 9 appeared to be an issue that we were continuing to 10 deal with. 11 BY MR. DICKENS: 12 Q. It was an issue you had been working and 13 continuing to deal with from 2001 through here in 14 September of 2005, right? 15 A. Yes. 16 Q. And you say, "And I'm assuming in other 17 geographies, as well. I'm wondering if there are plans 18 at the global level to prepare a Position Statement or 19 Standby Statement to address it." Right? 20 And so that's what you were inquiring of those 21 individuals over in Switzerland; is that right? 22 A. Yes. 23 Q. You were asking whether or not there was any 24 plans to put out a Position Paper or Standby Statement 25 to help Communications deal with this recurring issue of

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1 Paraquat's role in Parkinson's Disease; is that fair? 2 A. Specifically addressing this particular study. 3 Q. Okay. So it's your understanding then that you 4 were asking whether or not there was a plan for a 5 Position Paper or Standby Statement on this study 6 specifically? 7 A. I haven't read this. So I'm taking a leap there 8 in saying that. So I'm assuming that this is an article 9 about a new study, and it looks like it is. 10 Q. Okay. And specifically on the second page, 11 there's some information about the findings of that 12 particular study. 13 "When exposed to high doses of the herbicide 14 Paraquat and insecticide -- and I think they're 15 referring to flies specifically -- which have previously 16 been linked to Parkinson's Disease, they suffered 17 extreme oxidative stress and died." Right? 18 A. Okay. 19 Q. And the beginning of that study or article that 20 you forwarded said, "Exposure to certain chemicals found 21 in pesticides and herbicides may increase the risk of 22 Parkinson's Disease in people with a family history." 23 Right? 24 A. Yes. 25 Q. And above, you say, "A search on IRIS provided	1 MR. BARTOSZEK: Object to form. 2 THE WITNESS: We -- Syngenta, often received 3 media inquiries whenever studies came out like this 4 about our products, whether it be Paraquat or any 5 number of other products, and so we often like to get 6 ahead of the game by coming up with even a simple 7 statement or a response, and so that's -- it looks -- 8 I'm guessing it looks like that's what I was doing 9 here. 10 Oftentimes we would sit down with the 11 scientist, have the scientist look at the study and 12 ask the scientist to evaluate the study and then work 13 with that scientist to come up with a response. 14 BY MR. DICKENS: 15 Q. Okay. And you say sit down with them. Would 16 that be scientists in the United States that you would 17 work with when you were -- 18 A. Whatever scientist was -- would be most 19 appropriate to evaluate the study, whether that be a 20 global scientist or one in the United States. So -- 21 Q. And so you'd work with that scientist, develop a 22 Position Statement that could be used if media made 23 inquiries? 24 A. That's correct. 25 Q. And once again, is that a Position Statement that
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1 some information." 2 What's IRIS? 3 A. I can't remember. 4 Q. It says that, "provided some information, but 5 nothing useful or comprehension -- comprehensive in 6 addressing the company's position." 7 That's what you were requesting of those in 8 Switzerland, correct? 9 MS. BRIER: Object to form. 10 THE WITNESS: What are you -- what are you 11 asking me? 12 BY MR. DICKENS: 13 Q. I'm asking you that you specifically informed the 14 individuals in Switzerland that you weren't able to find 15 anything useful or comprehensive on what the company's 16 position was related -- is it your understanding related 17 to that particular study? 18 A. Yes. 19 I'm looking for something -- according to this 20 e-mail, I'm looking for something related to this 21 particular study. 22 Q. And would it typically be Syngenta's position to 23 put out Position Papers or Standby Statements on each 24 and every study which showed an increase or a potential 25 link between Paraquat and Parkinson's Disease?	1 would be written and drafted out and then shared with 2 the scientists for their review? 3 A. Of course, yes. 4 Q. And would that sharing occur through electronic 5 communications, e-mail? 6 A. Most likely. 7 Q. And in order to determine which studies you 8 worked with scientists on, once again, we'd look to your 9 file with Syngenta? 10 A. I suppose so. I mean, I don't know. I don't 11 know what's in the file and what's not, but that's 12 typically how something like this would occur. 13 So if you're wondering what this e-mail is about, 14 that's probably what it's about. 15 MR. DICKENS: Why don't we go ahead and mark 16 Exhibit 18 for the Record. 17 (Plaintiff's Exhibit No. 18 was marked for 18 identification) 19 BY MR. DICKENS: 20 Q. This is an e-mail a little later in 2005. I'll 21 direct your attention to bottom of the page. It's an 22 e-mail to you from a -- is it -- how do you pronounce 23 that name, Rainer? 24 A. Rainer. 25 Q. Rainer Linneweber?

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1 A. Probably Linneweber. 2 Q. Probably is correct. 3 Dated November 18, 2005, right? 4 A. Yes. 5 Q. And the subject line Paraquat and Parkinson's, 6 correct? 7 A. Yes. 8 Q. It says, "Dear, Sherry -- and once again, this is 9 an individual over in Switzerland; is that right? 10 A. Yes. 11 Q. And he said, "We have put an overall statement 12 addressing, "Does Paraquat cause Parkinson's -- or cause 13 PD on the Paraquat Information Center at Paraquat.com." 14 Right? 15 A. Yes. 16 Q. And once again, that information on Paraquat.com 17 would be one of the places you would send third parties 18 to answer questions about the safety of Paraquat? 19 A. Yes. 20 Q. And there was a particular section that was 21 added, "Does Paraquat cause Parkinson's?" Correct? 22 A. One more time. 23 Q. Yeah. There was a particular section on 24 Paraquat.com specific to, "Does Paraquat cause 25 Parkinson's Disease?"	1 Q. Over in Switzerland? 2 A. No, in Greensboro. 3 Q. So he worked alongside you in Greensboro; is that 4 fair? 5 A. Yes. 6 Q. And was he responsible for Paraquat? 7 A. He would have worked on some Paraquat issues. 8 Q. Paraquat issues alongside you? 9 A. Yes. 10 Q. Were you his manager in any way at this point in 11 time? 12 A. Yes. 13 Q. So you managed him, and he was part of your team 14 who would deal with communications related to Paraquat 15 and Paraquat safety? 16 A. Yes. 17 Q. You said, "Damn, I had thought I had copied you, 18 but apparently not. I left Rainer or -- Rainer a 19 voicemail and then sent him this e-mail." 20 MR. BARTOSZEK: Object to form. 21 BY MR. DICKENS: 22 Q. Do you see that? 23 A. Yes. 24 Q. Okay. In between, there's an e-mail from 25 Michael, and it doesn't appear that you're copied there;
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1 A. You're asking me if there is a particular section 2 regarding that? 3 Q. Was there in November 2005, based on this 4 correspondence? 5 A. Okay. 6 MR. BARTOSZEK: Objection, form, foundation. 7 THE WITNESS: So it looks like that, 8 according to this e-mail, that yes, somebody had 9 added a statement addressing that. 10 BY MR. DICKENS: 11 Q. And as part of the Communications contact and the 12 Communications Manager, you would direct third parties 13 to that statement of, "Does Paraquat cause Parkinson's 14 Disease" if a question arose, right? 15 MS. BRIER: Object to form. 16 THE WITNESS: It's possible, yes, that that 17 would have happened. 18 BY MR. DICKENS: 19 Q. Now, above that is an e-mail. 20 Well, first of all, at the very top of the 21 e-mail, first e-mail on the page from you to a Michael 22 -- who is that? 23 A. Vanausdein. 24 Q. And what was his role with Syngenta? 25 A. He was a Communication Manager.	1 do you see that? 2 A. Yes. 3 Q. But at some point, you received it to forward 4 over to the Communications employee that worked under 5 you, right? 6 MR. BARTOSZEK: Object to form. 7 I think you, just for clarity of the 8 Record, you might have that swapped. 9 MR. DICKENS: Okay. Oh, I've got it. Now I 10 see what you're doing. 11 BY MR. DICKENS: 12 Q. So it's Michael who sent the e-mail to you that 13 he had sent to the others. 14 MR. DICKENS: Thank you, by the way. 15 MR. BARTOSZEK: No problem. 16 BY MR. DICKENS: 17 Q. Is that correct? 18 A. Yes. 19 Q. Okay. So Michael who, once again, reported to 20 you, had sent an e-mail to -- are those individuals over 21 in Switzerland? 22 A. Yes. 23 Q. And he is making suggestions with respect to 24 changes to the information on the Paraquat.com with 25 respect to does Paraquat cause Parkinson's Disease?"

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1 Right? 2 A. Yes. 3 Q. And the two individuals he's sending that to, 4 they were in the Communications Team at Syngenta? 5 A. Not -- yes, at Syngenta. Yes. 6 Q. And so does Michael have any role with the 7 Science Team at Syngenta? 8 A. No. He was a Communications Manager. 9 Q. He's making suggestions on how to change the 10 information on Paraquat.com with respect to Parkinson's, 11 correct? 12 A. I haven't had a chance to read this. So before I 13 answer that question -- 14 Q. Go right ahead. 15 A. I don't know what he's writing here. So I don't 16 know how to answer your question. 17 Q. Take your time. Let me know when you're ready. 18 A. Okay. 19 Q. Okay. So Michael's e-mail to other individuals 20 in the Communications Team over in Switzerland, right -- 21 A. Yes. 22 Q. -- is, "I looked at the statement on Paraquat.com 23 with respect to does Paraquat cause Parkinson's?" 24 Right? 25 A. Yes.	1 pesticide, right? 2 A. That's correct. To make it easily understandable 3 to someone who might go to Paraquat.com looking for 4 information. 5 Q. Okay. And so in order to improve that flow, he 6 suggests, "However, Paraquat has markedly different 7 chemical properties than MPTP, which means Paraquat does 8 not cross the blood brain barrier and reach the specific 9 location in the brain necessary to produce Parkinson's 10 symptoms as MPTP has been shown to do." That was his 11 recommendation, right? 12 A. Yes. 13 Q. Do you know whether or not this change was made? 14 A. I don't know whether or not it was made. 15 Q. Do you agree that Syngenta's position at this 16 point in 2006 was that, well, Paraquat can't cross the 17 blood brain barrier? 18 MS. BRIER: Objection to form. 19 THE WITNESS: I cannot speak to that. I 20 don't remember that far back. I do seem to remember 21 that language on other documents. If we did use it, 22 it came from scientists, and it was accurate. 23 Further, anything that we would put on the 24 website would also be approved by the appropriate 25 people within Syngenta, including scientists, if it
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1 Q. And he's saying, "Well, based on my reading, I 2 would make a change." Correct? 3 A. Yes. 4 MR. BARTOSZEK: Object to form. 5 BY MR. DICKENS: 6 Q. Because based on -- and first of all, Michael has 7 no advanced science degree, right? 8 A. No, no. He's a communicator. 9 Q. Okay. And so he said, "Based on my reading, the 10 order we say it, Paraquat can't cross the barrier, but 11 it's not like MPTP." The barrier being the blood brain 12 barrier, right? That's what he's referring to here? 13 A. Yes. 14 Q. So he said, "Well, I read it. It says Paraquat 15 can't cross the blood brain barrier, but it's not like 16 MPTP. It should be the other way around. Paraquat is 17 not like MPTP, and the main difference is that Paraquat 18 can't cross the barrier, the blood brain barrier, like 19 MPTP can." Right? That's what he's saying? 20 A. He's not changing the content of this paragraph. 21 He is changing the flow of the paragraph. 22 Q. Okay. And that would be something that 23 Communications would be involved with is to, as you 24 mentioned, effectively communicate Syngenta's position 25 to individuals who may not have a background in the	1 had anything to do with the science of our products. 2 MR. DICKENS: Go ahead and mark Exhibit 19 3 for the Record. 4 (Plaintiff's Exhibit No. 19 was marked for 5 identification) 6 BY MR. DICKENS: 7 Q. Exhibit 19 is an e-mail with an attachment. The 8 e-mail is from you dated April 26, 2007. Subject: 9 Paraquat and Parkinson's; do you see that? 10 A. Yes. 11 Q. And you write, "Dear all, I received the attached 12 Syngenta Position Paper from our global colleagues today 13 re Paraquat and Parkinson's Disease." And you say, 14 "This can be shared with external audiences." 15 Do you see that? 16 A. Yes. 17 Q. And that means this Position Paper that your 18 global colleagues prepared was drafted so that it could 19 be shared with others outside the company, right? 20 A. Yes. 21 Q. And it was drafted specific to putting forth 22 Syngenta's position on Paraquat and the relationship to 23 Parkinson's Disease? 24 A. Yes. 25 Q. And specifically, it was drafted in order to be

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1 shared with those external audiences who may be having 2 questions about whether or not Paraquat was indeed 3 associated with Parkinson's, right? 4 A. Would you ask -- would you ask that question one 5 more time, please? 6 Q. This was specifically put together for the 7 purpose to share with external audiences to provide 8 Syngenta's position on whether or not Paraquat was 9 indeed associated with Parkinson's Disease? 10 A. I don't know if it was put together specifically 11 for that purpose, but it appears that we were given 12 permission to share it with external audiences. 13 Q. Okay. And given permission by? 14 A. By global colleagues. 15 Q. And that would have included the Science Team? 16 A. By the Communications Team. 17 Q. It includes information on Syngenta's position of 18 Paraquat and Parkinson's Disease; would this have had to 19 be approved by the Science Team before it was shared 20 with external audiences, as you indicate in your e-mail? 21 A. Sure. 22 Q. Let's look at Syngenta's position at this point 23 in 2007. In the third paragraph, beginning 24 epidemiological studies; do you see that? 25 A. Yes.	1 outside of Syngenta? 2 A. I don't know, but I assume that. 3 Q. Were you aware of whether or not, at this point 4 in 2007, whether or not Syngenta had its own studies 5 which showed a link between Paraquat and Parkinson's 6 Disease? 7 MS. BRIER: Objection to form, foundation. 8 THE WITNESS: Not that I'm aware of. 9 BY MR. DICKENS: 10 Q. Were you aware of the scientist employed by 11 Syngenta known as Luis Marks? 12 A. I am not familiar with him. 13 Q. At any point in time during your employment with 14 Syngenta, did anyone on the Science Team inform you that 15 Syngenta had studies which suggested there could be a 16 link between Paraquat and Parkinson's Disease? 17 MS. BRIER: Objection to form and 18 foundation. 19 THE WITNESS: Not that I'm aware of. 20 BY MR. DICKENS: 21 Q. "Despite recent publicity quoting new studies 22 linking Paraquat and Parkinson's Disease, there are no 23 new data that establish any significant link between 24 Parkinson's Disease and Paraquat." That's Syngenta's 25 position, right?
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1 Q. It says, "Epidemiological studies have not 2 consistently identified any single factor that is linked 3 to an increased risk of developing Parkinson's Disease, 4 although rural life and farming do appear as the most 5 common risk factors in such studies." 6 Do you see that? 7 A. Yes, I do. 8 Q. And that's Syngenta's position at this point in 9 2007, right? 10 A. Yes. 11 Q. The next paragraph deals with studies which 12 showed an association between Parkinson's and exposure 13 to pesticides, and then the last sentence, "The data do 14 not establish a link between Paraquat exposure and 15 Parkinson's Disease, and Paraquat does not pose an 16 increased risk to human health in practice." Right? 17 A. Yes. 18 Q. And so Syngenta's position, once again, remains 19 that as long as Paraquat is used according to the label, 20 there is no increased risk of Parkinson's Disease? 21 A. That's correct. 22 Q. Then it says, "Despite recent publicity quoting 23 new studies linking Paraquat and Parkinson's Disease." 24 And once again, these new studies, is it your 25 understanding these are studies conducted by scientists	1 A. Yes. 2 Q. And you say, "The relevance to humans of the data 3 from a particular mouse strain used in many studies is 4 contentious." Right? 5 A. Yes. 6 Q. And that "This appears to be a mouse strain 7 specific effect." Right? 8 A. Yes, that's the way it reads. 9 Q. And this is what you were telling external 10 audiences about Paraquat and Parkinson's, right? 11 A. Yes. 12 Q. So leading up in time, we've looked at the 2003 13 Q&A, the statement on Paraquat.com from Michael, who 14 worked under you, and the 2007 Position Paper, right, 15 and Syngenta's public communications at this time 16 included that the data does not show that Paraquat can 17 cause Parkinson's; you'd agree with that? 18 A. Yes. 19 Q. That Paraquat does not enter the brain, right? 20 MS. BRIER: Object to form. 21 BY MR. DICKENS: 22 Q. That's Syngenta's position? 23 A. Yes. Uh-huh. 24 You're referring to that term, the blood brain 25 barrier that we've seen?

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1 Q. Correct. 2 A. Yes. 3 Q. Paraquat does not cause any changes in the brain, 4 right; that was Syngenta's position at this point in 5 2007? 6 MS. BRIER: Objection to form. 7 THE WITNESS: Yes. I'm not familiar with 8 that term, but again I'm not a scientist, and I would 9 have to -- 10 BY MR. DICKENS: 11 Q. All right. You'd agree that the position, 12 though, was that laboratory studies have little to no 13 relevance to humans, right? 14 MS. BRIER: Objection to form. 15 MR. BARTOSZEK: Object to form. 16 THE WITNESS: Would you repeat that 17 question? 18 BY MR. DICKENS: 19 Q. Yeah. The position of Syngenta back in 2007 was 20 that laboratory or animal studies have little to no 21 relevance to humans, right? 22 MS. BRIER: Same objection. 23 MR. BARTOSZEK: Join. 24 THE WITNESS: Based on the -- what we read 25 in the statements, in the documents, yes.	1 document. 2 Once again, the title of this document is What 3 Can Syngenta Say About the Issue, right, and on Page 3, 4 it says, "What we cannot say." 5 Do you see that? 6 MS. BRIER: Can I have a standing form and 7 foundation objection to this document, please? 8 MR. DICKENS: You can. 9 MS. BRIER: Thank you. 10 BY MR. DICKENS: 11 Q. Do you see that? 12 A. Yes. 13 Q. And this document says, "What we cannot say about 14 Parkinson's Disease." The first one, "Paraquat does not 15 enter the brain." That's something that cannot be said, 16 according to this document, right? 17 A. Yes, that's the way it reads. 18 Q. Another thing Syngenta cannot say is that, 19 "Paraquat does not cause any changes in the brain." 20 That's what this says, right? 21 A. Yes. 22 Q. "Paraquat only causes effects in the mouse." 23 That's something that Syngenta cannot say at this point, 24 right? 25 A. According to this, yes.
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1 BY MR. DICKENS: 2 Q. And those are the statements that are 3 communicated to outside external audiences, right? 4 A. Yes. 5 MR. DICKENS: Go ahead and mark Exhibit 20 6 for the Record. 7 (Plaintiff's Exhibit No. 20 was marked for 8 identification) 9 BY MR. DICKENS: 10 Q. Now, I've handed you, Ms. Duvall, a document that 11 was produced in discovery, based on the metadata, a 12 document created in 2005, which the jury would have been 13 shown by this point, but it's titled Parkinson's Disease 14 What Can Syngenta Say About the Issue; do you see that? 15 A. Yes. 16 Q. Do you know whether or not you received a copy of 17 this document? 18 A. I don't know. 19 Q. In order for us to know that answer, we'd have to 20 look to your file with Syngenta? 21 MS. BRIER: Object to form. 22 THE WITNESS: Again, I don't know what I 23 would have received or not received. 24 BY MR. DICKENS: 25 Q. Okay. Turn your attention to Page 3 of this	1 Q. It cannot say, "The mouse data on Paraquat are 2 not relevant to humans." That's another thing that 3 Syngenta cannot say? 4 A. According to this. 5 Q. There's one that, "People are not exposed to 6 Paraquat. There are no data reporting that Paraquat may 7 be associated with Parkinson's Disease in humans." And 8 we cannot say, "The data show that Paraquat does not 9 cause Parkinson's Disease in humans." Right? 10 These are all things included in this document 11 that Syngenta cannot say based on Parkinson's Disease, 12 correct; is that right? 13 A. That is what this says, yes. 14 (Plaintiff's Exhibit No. 21 was marked for 15 identification) 16 BY MR. DICKENS: 17 Q. I'm going to show you Exhibit 21 for the Record. 18 I'll direct your attention to the bottom of this 19 document sent April 26, 2007; do you see that? 20 A. Yes. 21 Q. Now, this was the exact date that you sent the 22 Position Paper around to be shared with external 23 audiences; isn't that correct? 24 A. I'd have to go back and look. Yes. 25 Q. And the subject: Position Statements and Q&As on

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1 PD and -- or Parkinson's Disease and Paraquat, right? 2 A. Yes. 3 Q. And at the top of the page, there's an e-mail 4 from Nick Sturgess the next day. 5 Do you know who Nick Sturgess is? 6 A. No, I do not. 7 Q. Do you know whether or not he was part of the 8 Science Team at Syngenta? 9 A. I don't. 10 MS. BRIER: Objection to foundation on the 11 document, the subsequent e-mails that she's not on. 12 MR. DICKENS: Sure. 13 BY MR. DICKENS: 14 Q. Let me ask this question first. 15 Nick Sturgess says, "Looking at these, I think 16 there is a statement we cannot fully support if quizzed 17 on. Namely the statement that, "this appears to be a 18 mouse strain specific effect." 19 Do you see that? 20 A. Yes. 21 Q. So once again, that exact language, "This appears 22 to be a mouse strain specific effect" is included in the 23 2007 Position Paper that you shared with your team to be 24 shared with external audiences, right? 25 A. You're asking me if it's the same?	1 specific effect needed to be changed? 2 A. I don't remember anything about this. Nor do I 3 even know if I ever received this. 4 Q. And once again, for us to know whether or not you 5 received it, we'd have to look to your file with 6 Syngenta, right? 7 MS. BRIER: Object to the form. 8 BY MR. DICKENS: 9 Q. Is that right? 10 A. Yeah, I don't -- I don't know, again, what -- 11 what I received and what I didn't receive. So -- 12 MR. DICKENS: Let's go ahead -- sorry. One 13 more. That's marked Exhibit 22 for the Record. 14 (Plaintiff's Exhibit No. 22 was marked for 15 identification) 16 BY MR. DICKENS: 17 Q. Exhibit 22 is an e-mail from a Jonathan Sullivan 18 to various individuals, including yourself, on June 28, 19 2008, right? 20 A. Yes. 21 Q. So this is more than a year after the Position 22 Statement with the language mouse strain specific effect 23 was circulated by you, correct? 24 A. Yes. 25 Q. The subject being Media Inquiry Claimed Link
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1 Q. Yeah, and we can look. I believe it's 2 Exhibit 19. 3 In Syngenta's Position Paper that you sent around 4 to be shared with external audiences, in the paragraph 5 right above Background, it says, "This appears to be a 6 mouse strain specific effect." That's what that 7 Position Paper says, right? 8 A. Okay. Yes. 9 Q. And then Nick Sturgess, a scientist with 10 Syngenta, says, "I'm not sure we can fully support that 11 if quizzed on it." Right? 12 A. Okay. 13 MS. BRIER: Objection to form and 14 foundation. 15 BY MR. DICKENS: 16 Q. And that was the day after you had sent this 17 around to be shared with external audiences, right? 18 A. Yes. 19 Q. Do you know whether or not you were informed of 20 the fact that Syngenta could not support the statement 21 "This appears to be a mouse strain specific effect?" 22 A. I don't know if I was informed or not. 23 Q. Do you know whether or not you advised any of 24 your colleagues that you sent the Position Statement to 25 as to whether or not that statement of a mouse strain	1 Between Paraquat and Parkinson's; do you see that? 2 A. Yes. 3 Q. And who is Jonathan Sullivan? 4 A. I believe he's a -- well, he was a global 5 colleague, and I believe he was an attorney. 6 Q. Okay. And he sends the e-mail, "We have been 7 approached through the Greensboro office by Lila 8 Guterman, a scientific journalist and senior reporter 9 with the Washington-based Chronicle of Higher 10 Education." 11 Do you see that? 12 A. Yes. 13 Q. It says, "At my request, Georg -- can you 14 pronounce that one more time. 15 A. Diriwaechter. 16 Q. -- Diriwaechter has produced the attached draft 17 Standby Statement and Q&As to address this (my own 18 suggested changes to Georg's draft are highlighted in 19 the text)." 20 Do you see that? 21 A. Yes. 22 Q. So this is a document that was similar to one we 23 saw before where you were asking if a Position Statement 24 would be put together with respect to a study on 25 Paraquat and Parkinson's, right?

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1 MR. BARTOSZEK: Object to form. 2 THE WITNESS: Yes, it could be similar. 3 Yes. 4 BY MR. DICKENS: 5 Q. And once again, Syngenta's Standby Statement and 6 Q&As that would -- the purpose of that would be to 7 provide Syngenta's position with respect to whether or 8 not there was a link between Paraquat and Parkinson's 9 Disease? 10 MS. BRIER: Object to form. 11 BY MR. DICKENS: 12 Q. Is that right? 13 A. I'm sorry. I was reading, and I didn't hear your 14 question. 15 Q. Oh, that's okay. 16 All I asked is: The purpose of the Standby 17 Statement and Q&As is to provide outside sources with 18 Syngenta's position on whether or not there was a link 19 between Paraquat and Parkinson's Disease? 20 A. In this case and in most cases, the purpose of a 21 -- when a media inquiry would come in, the purpose of a 22 standby and Q&A would be for internal use only. 23 Q. Internal use in order to respond to questions 24 about whether or not there was a link? 25 A. Correct.	1 A. Yes. 2 Q. Consistent with the Position Statement in 2007? 3 A. Yes. 4 Q. Now, let's look at the next page. It's 5 discussing new studies linking Paraquat and Parkinson's, 6 right? 7 It says, "There are no new data that establish 8 any causal link between Parkinson's Disease and 9 Paraquat." Right? 10 A. Yes. 11 Q. "The relevance to humans of the data from the 12 particular mouse strain is contentious." Same language 13 as in 2007, right? 14 A. I would have to go back and compare. 15 Q. And it says, "This appears to be an effect 16 specific to a particular mouse strain, and more research 17 would be required to improve this understanding of the 18 current data." 19 Do you see that? 20 A. Yes. 21 Q. And the suggestion that the results would be 22 specific to a mouse strain, that is what we looked at 23 before, what Nick Sturgess had said, "We can't support." 24 Correct? 25 MS. BRIER: Objection to form and
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1 Q. So this document would be for those spokespersons 2 to use to answer media questions or any questions from 3 farmers, consumers, anyone else about this specific 4 issue? 5 A. It would be specifically for this media inquiry. 6 Q. And so if someone was going to respond to this 7 scientific journalist and reporter, they should follow 8 the script on the Standby Statement and the Q&As? 9 MR. BARTOSZEK: Form. 10 THE WITNESS: Yes, as a general guideline. 11 Yes. 12 BY MR. DICKENS: 13 Q. So let's look at what the Standby Statement and 14 Q&As were in 2008, and specifically I'll point to the 15 last sentence on the Standby Statement which is Page 2. 16 The last paragraph says, "In some epidemiological 17 studies, an association between Parkinson's Disease and 18 exposure to pesticides and herbicides, including 19 Paraquat, has been suggested. 20 However, the results across studies are variable, 21 and there is no evidence of a causal link between 22 Paraquat exposure and Parkinson's Disease, and Paraquat 23 does not pose an increased risk to human health in 24 practice." That's the Position Statement in 2008, 25 right?	1 foundation. 2 THE WITNESS: Is this -- I didn't have a 3 chance to finish reading this. Is it a different 4 study? 5 BY MR. DICKENS: 6 Q. This sentence specifically references new studies 7 linking Paraquat and Parkinson's, right, and that there 8 are no new data? 9 A. And it says, "This appears to be an effect 10 specific." It sounds like it's speaking to a particular 11 study, and what I'm asking is this media inquiry, is it 12 about a new study that separates it from the previous 13 mouse study that was referred to in the Position 14 Statement? 15 Q. All I know, based on the title of this document, 16 Page 2, Syngenta's Standby Statement on Paraquat and its 17 Relationship to Parkinson's Disease, that's the title of 18 the Standby Statement, right? 19 A. But I think your point is -- 20 Q. Let me ask you: Is it your understanding that 21 this is -- 22 MR. BARTOSZEK: She was finishing a 23 response. 24 BY MR. DICKENS: 25 Q. All right. You go ahead.

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1 A. No. I think your point is that you're saying 2 that an objectionable line remained more than a year 3 later in a Position Statement that should have been 4 taken out. 5 And my question is, is it actually referring to 6 the same study or is this referring to a new study? 7 MR. DICKENS: I'll move to strike. 8 BY MR. DICKENS: 9 Q. Is it your understanding, based on your review of 10 this document, that this Standby Statement is related to 11 a specific study? Yes or no? 12 A. I don't know. I'm asking. That's what I'm 13 asking. 14 Q. Well, I didn't work for Syngenta back then. 15 A. I don't remember. It was 20 years ago. 16 MR. BARTOSZEK: Object to the form. 17 MS. BRIER: Ms. Duvall, do you need a few 18 more minutes to look through this and figure out 19 what's going on in the document? 20 THE WITNESS: Yeah. But I mean, I can't 21 tell, because I don't -- I'm not seeing the study. 22 BY MR. DICKENS: 23 Q. You'd agree that the Standby Statement doesn't 24 particularly reference a study in any way, right? 25 MS. BRIER: Object to form.	1 A. Yes. 2 Q. And that's why Jonathan Sullivan asked for this 3 Standby Statement and Q&As to be put together, right? 4 A. Yes. 5 Q. For research, generally, on Paraquat and 6 Parkinson's? 7 A. Yes. 8 Q. And that's, in fact, what was done, right? 9 A. Yes. I'm assuming so. 10 Q. And in that general statement about Paraquat and 11 Parkinson's, it includes the statement that the animal 12 studies appear to be in effect specific to a particular 13 mouse strain, right? 14 A. Yes. 15 Q. Let's go to the Q&As which are on the next page, 16 Questions and Answers Paraquat, Neurotoxicity and 17 Parkinson's Disease. 18 Start at No. 2. "Is there a genetic link to 19 Parkinson's Disease?" Right? 20 A. (No response). 21 Q. And the last sentence, "Therefore, with 22 Parkinson's, hereditary factors alone are not 23 responsible for the disorder." That was Syngenta's 24 position at this point in time in 2008? 25 A. Yes.
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1 THE WITNESS: The media inquiry. So yeah, 2 my only question was, in the year plus that had 3 transpired, were there any new studies that would 4 change that particular line? 5 MR. DICKENS: I'll move to strike. 6 BY MR. DICKENS: 7 Q. I believe the pending question was whether or not 8 the Standby Statement in front of you references a 9 particular study or not? 10 A. And I don't know the answer to that question. 11 Q. Okay. And that's fine. 12 Now, if we look at Page 1 of this document, 13 Jonathan Sullivan's e-mail where it references the 14 reporter, the last sentence of the first paragraph says, 15 "He was asked to speak on Monday or Tuesday next week to 16 Syngenta representative concerning questions around 17 research hinting of a link between Paraquat and 18 Parkinson's." That's the question from the reporter, 19 right? 20 A. Yes. 21 Q. No reference to a particular study or research 22 between Paraquat and Parkinson's, correct? 23 A. That's correct. Yes. 24 Q. Just generally, there's questions about research 25 that hint at a link, correct?	1 Q. No. 12, bates number 554 at the end asks, "What 2 evidence do you have that Paraquat doesn't cause 3 Parkinson's Disease?" 4 The position of the company is, "The evidence 5 that Paraquat does not cause Parkinson's Disease is 6 based on the absence of evidence that Paraquat is 7 causally associated with Parkinson's Disease in humans." 8 Right? 9 A. That is the way it reads. 10 Q. And that's the position that would have been 11 provided to external third-party sources in response to 12 this particular question? 13 MS. BRIER: Objection to form. 14 BY MR. DICKENS: 15 Q. Is that right? 16 A. Correct. 17 Q. And then, finally, on the bottom of that page, 18 "Are you saying Syngenta is doing no research into this 19 problem." 20 It says, "Syngenta has consulted with independent 21 senior medical and epidemiological scientists to hear 22 their view on a link between exposure to Paraquat and 23 Parkinson's Disease. As of 2008, Syngenta and these 24 experts came to the conclusion that there was no 25 causative link?"

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1 Do you see that? 2 A. Yes, I do. 3 Q. Now, the question that this is responding to is 4 specific to, "Are you saying Syngenta is doing no 5 research into this problem?" Right? 6 A. Yes. 7 Q. Now, does this reference any research Syngenta 8 was doing into the link between Paraquat and Parkinson's 9 Disease? 10 MR. BARTOSZEK: Object to the form. 11 THE WITNESS: You're asking me if it 12 references research that they were doing? 13 BY MR. DICKENS: 14 Q. Correct. 15 A. No. It says Syngenta consulted with medical and 16 epidemiological scientists. 17 Q. Okay. And it doesn't only say medical and 18 epidemiological. It says independent, correct? 19 A. Yes. 20 Q. Okay. So independent is suggesting that these 21 are people outside of Syngenta, right? 22 A. Yes. 23 Q. There's nothing in here that says Syngenta was 24 actually doing its own research, correct? 25 MS. BRIER: Object to the form.	1 Q. If this information was provided to a third-party 2 external source, there would be no way for them to know 3 that there were or weren't -- that there were scientists 4 who had informed Syngenta about their opinion that there 5 could be a link between Parkinson's and Paraquat, right? 6 MR. BARTOSZEK: Objection, foundation and 7 form. 8 BY MR. DICKENS: 9 Q. Let me ask it this way: All this document says 10 is that, after speaking to the scientists in 2008, all 11 those scientists, those experts, came to the conclusion 12 there was no causative link; that's all that this 13 document says, right? 14 MR. BARTOSZEK: Object to the form. 15 BY MR. DICKENS: 16 Q. Is that right? 17 A. That's -- 18 MR. BARTOSZEK: Objection to form. 19 THE WITNESS: -- typical -- yes, and that's 20 typical of Syngenta scientists being fully on top of 21 existing available research. 22 BY MR. DICKENS: 23 Q. And as the individual responsible for 24 communicating Syngenta's position, had Syngenta been 25 told by independent scientists that they believed that
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1 THE WITNESS: Correct. 2 BY MR. DICKENS: 3 Q. And were you aware at this point in 2008 whether 4 or not Syngenta was doing its own research? 5 MS. BRIER: Objection form, foundation. 6 THE WITNESS: I don't remember and was not 7 aware of whether or not Syngenta was or was not doing 8 research. 9 BY MR. DICKENS: 10 Q. You don't know whether or not Syngenta ran their 11 own studies as to whether or not there was an effect of 12 Paraquat on dopaminergic neurons in the brain? 13 MS. BRIER: Object to form. 14 THE WITNESS: I don't remember. 15 BY MR. DICKENS: 16 Q. Are you aware the Syngenta -- Syngenta's 17 consulted with independent scientists to hear their 18 view? 19 Were you aware at this point in 2008 whether or 20 not Syngenta, it had consulted with scientists who told 21 them, "In my opinion, there is a connection or a link 22 between Paraquat and Parkinson's? 23 MS. BRIER: Objection to form. 24 THE WITNESS: I don't remember any of that. 25 BY MR. DICKENS:	1 there was a link between Paraquat and Parkinson's, you 2 wouldn't expect the information within the Q&A to say 3 that those experts came to the conclusion that there was 4 no causative link, correct? 5 MS. BRIER: Object to the form. 6 MR. BARTOSZEK: Join. 7 THE WITNESS: Would you repeat the question, 8 please? 9 BY MR. DICKENS: 10 Q. Yeah. Maybe we can break it up, too. 11 This document we agree says, as of 2008, Syngenta 12 and these experts, being the independent scientific 13 experts, right? 14 A. Yes. 15 Q. Came to the conclusion that there was no 16 causative link; that's what this document says? 17 A. Yes. 18 Q. And had there been independent experts and 19 scientists that came to the opposite conclusion, that 20 there was a causative link, you would not be expected to 21 have this information provided to third parties in 22 response to this question, right? 23 MS. BRIER: Object to the form. 24 MR. BARTOSZEK: Join. 25 THE WITNESS: That we would not expect to

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1 have what information provided? 2 BY MR. DICKENS: 3 Q. You wouldn't expect to be telling third parties 4 that all of the experts came to the conclusion that 5 there was no causative link if that weren't true? 6 MS. BRIER: Object to form. 7 THE WITNESS: I'm sorry. I'm still not 8 understanding your question. 9 BY MR. DICKENS: 10 Q. Okay. If Syngenta had consulted with independent 11 experts who told them there is a causative link between 12 Paraquat and Parkinson's, this statement would be a lie, 13 right? 14 MS. BRIER: Object to the form. 15 THE WITNESS: That's correct. It would not 16 be an accurate statement. 17 BY MR. DICKENS: 18 Q. And you as the person responsible for 19 communicating to the public about Syngenta's position 20 would not intend to provide false information to the 21 general public about the science? 22 A. Of course not. 23 MS. BRIER: We've been going about an hour 24 and 20 minutes. Would now be a good time for a 25 break?	1 A. She did not work at Syngenta at the time. She 2 was a Communications Manager for CropLife America, an 3 industry association. 4 Q. An industry association that Syngenta worked 5 with? 6 A. Was a member of. 7 Q. Okay. So Syngenta's a member of CropLife, right? 8 A. Was when I worked there. 9 Q. When you worked there. 10 And Donna Uchida that is sending you a -- or 11 forwarding an e-mail that was sent to her from a Patrick 12 Connelly or a Donnelly, right? 13 A. Yes. 14 Q. And Patrick Donnelly sends to Donna Uchida, "The 15 Parkinson's Disease drumbeat continues." 16 Do you see this? 17 A. Yes. 18 Q. And Donna Uchida, was she working on any issues 19 with CropLife related to Parkinson's Disease? 20 A. No. 21 Q. She was aware of the issue of a possible 22 association between Paraquat and Parkinson's Disease in 23 2007? 24 MS. BRIER: Objection. 25 THE WITNESS: I don't know what she was
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1 MR. DICKENS: Perfect. 2 THE VIDEOGRAPHER: The time on the monitor 3 is 4:19 p.m. We are off the Record. 4 (A brief recess was taken in the deposition) 5 THE VIDEOGRAPHER: The time on the monitor 6 is 4:35 p.m. We are back on the Record. 7 MR. DICKENS: Let me go ahead and show you 8 what we'll mark as Exhibit 23. 9 (Plaintiff's Exhibit No. 23 was marked for 10 identification) 11 BY MR. DICKENS: 12 Q. Okay. Ms. Duvall, I've handed you what's been 13 marked as Exhibit 23 for the Record. 14 The top e-mail is an e-mail from you dated 15 October 1, 2007; do you see that? 16 A. Yes. 17 Q. And you're forwarding an e-mail that was sent to 18 you -- oh, I'm sorry -- Donna, and what's her last name? 19 I did it again. 20 A. Uchida. 21 Q. Okay. Donna Uchida. 22 Who is Donna Uchida? 23 A. She is a professional friend. 24 Q. Okay. A professional friend. 25 Did she work at Syngenta?	1 aware of. Obviously, she -- or maybe not obviously, 2 but she was aware that I worked for Syngenta. 3 BY MR. DICKENS: 4 Q. And indeed, she forwarded you this e-mail with 5 respect to Parkinson's Disease, right? 6 A. Correct. 7 Q. The document also says, "Dole halts use of 8 Paraquat." Right? 9 A. That's apparently the title of this particular 10 news piece. 11 Q. And the news piece says, "Citing diminishing use 12 due to the recent European Union court decision 13 effectively banning the herbicide Paraquat, Dole Food 14 Company has announced it will no longer use Paraquat in 15 its agricultural operations." Right? 16 A. That is the way it reads. 17 Q. Now, that was a problem for Syngenta; you'd agree 18 with that? 19 MR. BARTOSZEK: Object to form. 20 THE WITNESS: Certainly I'm sure it was not 21 welcome news. 22 BY MR. DICKENS: 23 Q. And it was an issue that Syngenta actually called 24 meetings to address, right? 25 A. I don't remember.

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1 (Plaintiff's Exhibit No. 24 was marked for
2 identification)
3 BY MR. DICKENS:
4 Q. I'll hand you Exhibit 24.
5 Now, Dole Food's decision to stop using Paraquat,
6 would that have made them an activist, according to
7 Syngenta?
8 MS. BRIER: Object to form.
9 THE WITNESS: I personally would not have
10 considered Dole an activist. Dole was a company.
11 BY MR. DICKENS:
12 Q. And understanding they're a company. They're a
13 company that decided to stop using Paraquat, right?
14 A. According to the news article, yes.
15 Q. And there was a meeting on Paraquat Dole
16 situation within Syngenta on November 7, 2007, right?
17 A. Yes, according to this document.
18 Q. Okay. And you were a participant in that
19 meeting?
20 A. This document looks like the results of a meeting
21 that was held, and I was copied on it. I see, yes,
22 participants. Yes.
23 Q. So you were copied on the e-mail of November 8,
24 2007, which are the action minutes from that meeting,
25 but it also lists you as a participant, right?

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1 A. Yes. You're correct.
2 Q. And it's referencing Dole's policy, and it
3 "affects all Dole owned farms, but also farms with
4 contract growers who receive recommendations or
5 technical assistance from Dole, right?
6 A. That's correct.
7 Q. Therefore Dole's decision to stop using Paraquat
8 not only affected farms they owned but anyone who
9 provided food or fruits in which they would also be
10 spraying Paraquat, correct?
11 MS. BRIER: Objection to form.
12 THE WITNESS: It specifically states
13 contract growers.
14 BY MR. DICKENS:
15 Q. Contract growers of Dole, right?
16 A. Yes.
17 Q. And part of the action developed was, "Develop
18 communication materials for internal use." Right?
19 A. Yes.
20 Q. Also, "Compile questions from Syngenta customers
21 that need to be addressed by Dole." Right?
22 A. Yes.
23 Q. That included Florida Fruit and Vegetable
24 Association, as well as others?
25 A. Yes.

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1 Q. And then, finally, an action was developed a
2 position on alternatives to respond to requests from
3 customers and evaluate potential impact of the Dole
4 decision on Syngenta's business, right?
5 A. Yes, according to this.
6 Q. And those action items, were those items in which
7 you particularly -- or which you participated in?
8 A. I don't remember whether or not we carried out
9 the action items and what I did or did not participate
10 in.
11 (Plaintiff's Exhibit No. 25 was marked for
12 identification)
13 BY MR. DICKENS:
14 Q. I'll hand you Exhibit 25.
15 Exhibit 25 is an e-mail -- on the bottom of the
16 page, an e-mail that you sent on November 27, 2007; is
17 that right?
18 A. Yes.
19 Q. And this was after that Dole meeting for the
20 minutes that we just looked at?
21 A. Yes.
22 Q. And you sent for review an attached distribution
23 to retailers; do you see that?
24 A. Yes.
25 Q. And so based on this, is it your understanding

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1 that you would have put together a draft letter to
2 retailers and customers regarding the Dole situation?
3 A. Yes, the retailers being the customers.
4 Q. And then Jennifer Shaw responds to you the next
5 day.
6 Who is Jennifer Shaw?
7 A. A Syngenta employee.
8 Q. And what was her role with Syngenta?
9 A. She was in Stewardship Area.
10 Q. Okay. And what does that mean, Stewardship Area?
11 A. Making sure that our products were used
12 responsibly.
13 Q. She responds back with a comment. She says, "The
14 only comment I have is whether there is merit in
15 mentioning as background that the European Community
16 Court of the First Instance's (CFI) decision on July 11,
17 2007."
18 As you sit here, do you have any idea what that
19 decision of the European Community Court of the First
20 Instance is?
21 A. You're asking me if I know?
22 Q. As you sit here today, correct.
23 A. No, I don't remember that.
24 Q. She says, "Then go on to explain that the CFI
25 decision related to the way the re-registration was

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1 handled, and CFI at no stage find that Paraquat was an 2 inherently unsafe or dangerous product." 3 Did I read that correctly? 4 A. Yes. 5 Q. She says, "If we don't do this, then it may seem 6 we are not providing all the information we could, and 7 we are leaving it open-ended as to whether Dole's 8 decision was based on safety issues." 9 Did I read that correctly? 10 A. Yes. 11 Q. Do you have an understanding as to whether Dole's 12 decision was based on safety issues related to Paraquat? 13 A. I don't remember specifically what it was based 14 on. 15 In general, and you would need to check with 16 regulatory personnel with Syngenta on this issue, but I 17 do believe that the EU has different standards for 18 re-registering pesticides than the U.S. Environmental 19 Protection Agency. 20 Q. And specifically, I was asking about Dole's 21 decision. 22 Do you have an understanding on whether Dole's 23 decision was based on safety issues? 24 MS. BRIER: Objection to form. 25 THE WITNESS: You mean the EU's decision to	1 A. Yes. 2 Q. And to communicate about issues related to the 3 herbicides that they were responsible for selling? 4 A. Well, the sales force was responsible for selling 5 products, and so their job wasn't to -- their job was 6 to, yes, communicate about products but, you know, we 7 assisted them -- when I say we, the Communications 8 Department assisted them in communicating about issues 9 involving company products. 10 Q. So the Communications Team would provide them 11 information so that they could effectively communicate 12 with their customers? 13 A. Correct. 14 Q. And the subject please read memo Paraquat; do you 15 see that? 16 A. Yes. 17 Q. And you write to them, "Dear all, please open the 18 attached memo from Vern Hawkins and Eric Kuhn which 19 contains useful information on Dole's recent decision to 20 discontinue the use of Paraquat." 21 Do you see that? 22 A. Yes. 23 Q. And that is information that you, as part of the 24 Communications Team, was providing to the sales 25 representatives so that they had information related to
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1 not re-register? 2 BY MR. DICKENS: 3 Q. Dole's decision to stop using the product. 4 A. Oh, Dole's decision to not use the product. 5 No, I don't remember what their decision was, 6 although according to the previous document, it was -- 7 it was linked to the EU's decision. 8 (Plaintiff's Exhibit Nos. 26 and 27 were 9 marked for identification) 10 BY MR. DICKENS: 11 Q. I'm going to hand you 26 and 27. 12 Exhibit 26 is an e-mail from you dated 13 November 19th to various individuals and groups; do you 14 see that? 15 A. Yes. 16 Q. Okay. And some of these groups, such as DL USGR 17 Hort West, what is that referring to? 18 A. It looks like these are sales regions. 19 Q. Okay. So these are sales representatives that 20 you'd be sending this to you, right? 21 A. Also R&D facilities. 22 Q. And what are R&D facilities? 23 A. Research and development centers. 24 Q. Now, the sales representatives, their jobs were 25 to communicate with customers?	1 Dole's decision to stop using Paraquat? 2 A. Correct. 3 Q. All right. Now, if we can look at the next 4 document that I had handed you, Exhibit 27. 5 Now, this is the memo that was sent to the sales 6 representatives related to Dole's decision to 7 discontinue Paraquat; is that right? 8 A. If I could just take a moment to -- 9 Q. Yes. 10 A. Yes, it appears -- it appears it is. 11 Q. Part of the -- this information was submitted to 12 the sales representatives so that they could respond to 13 their customers with respect to any questions on Dole 14 and their decision, right? 15 A. Yes. The purpose was to help them understand so 16 that they could, in turn, help their customers 17 understand the decision. 18 Q. Okay. And it references, it says, "This 19 announcement by Dole does not specify which growers are 20 affected by the policy." Right? 21 And then it goes on, "We are obviously 22 disappointed by and disagree with this decision." This 23 decision being Dole's decision to stop using Paraquat, 24 right? 25 A. Correct.

Page 214 1 Q. And it says, "In its news release, Dole states 2 the decision responds to developing marketplace 3 conditions in Europe and elsewhere regarding the use of 4 this herbicide." 5 Did I read that correctly? 6 A. Yes. 7 Q. There's nothing in this document to suggest that 8 Dole's decision was based in part on concerns about the 9 link between Paraquat and Parkinson's, right? 10 A. I don't know. I haven't had a chance to read the 11 entire memo. 12 Q. Okay. You can take a look and let me know if -- 13 A. Okay. 14 Q. -- you see anything with respect to Parkinson's 15 Disease in here. 16 A. No, there's no reference to Parkinson's and 17 Paraquat. 18 But it does say, "As we learn more about Dole's 19 decision, we will pass this information along to you." 20 Q. Okay. And once again, it says, "When we learn 21 more, we'll inform you of the data." This is 22 November 19, 2007, right? 23 A. Yes. 24 (Plaintiff's Exhibit No. 28 was marked for 25 identification)	Page 216 1 MR. BARTOSZEK: Objection to form. 2 THE WITNESS: I'm sorry. Where are you? 3 Okay. Their concern, I see that, yes. 4 BY MR. DICKENS: 5 Q. So at this point in September of 2007, Dole has 6 called Syngenta and told them they're worried about 7 Paraquat and Parkinson's Disease, right? 8 MR. BARTOSZEK: Object to the form. 9 THE WITNESS: It looks like the call was to 10 tell David Scott of their concerns on the Paraquat 11 CFI decision is how it reads. 12 BY MR. DICKENS: 13 Q. And it was ultimately CFI's decision, and their 14 concern with Paraquat is what led to Dole deciding to 15 stop using Paraquat, right? 16 A. I'm sorry. One more time. 17 Q. It was the CFI decision and the Parkinson's 18 aspect of that CFI decision that led Dole to stop using 19 Paraquat, right? 20 MS. BRIER: Objection to form. 21 THE WITNESS: I don't see that as being the 22 cause as their -- of their discontinuing the use of 23 Paraquat in this memo or in this e-mail. 24 Could you point me to that? 25 MR. DICKENS: Well, let's just hand you this
Page 215 1 BY MR. DICKENS: 2 Q. Let me hand you Exhibit 28. 3 I'll direct your attention to the bottom of this 4 page, an e-mail from David Scott dated September 10, 5 2007; do you see that? 6 A. Yes. 7 Q. Now, this is approximately two months before the 8 letter to the sales representatives on the Dole 9 situation; is that right? 10 A. Yes. 11 Q. The subject: Call from John Mirenda of Dole on 12 Paraquat CFI decision; do you see that? 13 A. Yes. 14 Q. And it's being reported here, "John Mirenda 15 called to tell me of their concerns on the Paraquat CFI 16 decision." 17 And it goes on, there's "a class action running 18 against themselves and Dow, and they are particularly 19 sensitive on the Parkinson's aspect of the CFI 20 decision?" 21 Do you see that? 22 A. Yes. 23 Q. "Their concern is the Parkinson's health 24 liability that may accrue with the Dole use of 25 Paraquat." Right?	Page 217 1 document. It might be easier. 2 (Plaintiff's Exhibit No. 29 was marked for 3 identification) 4 BY MR. DICKENS: 5 Q. I'll hand you a copy of Exhibit 29. 6 This is October 8, 2007. Dole Press Release on 7 Paraquat. Once again, this is before your letter to 8 sales representatives informing them of Dole's decision, 9 right? 10 A. Yes. 11 Q. It states, "The Court of First Instance decision 12 obviously brought the decision higher up in Dole's 13 agenda, but it's the subsequent discussion in the media 14 of the possible association with Parkinson's Disease 15 that has pushed their hand." 16 That's what's reported here in October of 2007, 17 right? 18 MR. BARTOSZEK: Object to the form. 19 THE WITNESS: If I could take just a moment 20 to read. 21 BY MR. DICKENS: 22 Q. Sure. 23 A. I hadn't -- I have not seen this before. 24 It explains that they have become extremely risk 25 adverse because of another issue that had nothing to

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1 do with Paraquat. 2 Q. This document, and going back to my initial 3 question, it specifically says, "The Court of First 4 Instance decision obviously brought the issue of 5 Paraquat's higher up Dole's agenda, but it's the 6 subsequent discussion in the media on the possible 7 association with Parkinson's Disease that pushed their 8 hand." That's what it says, right? 9 MS. BRIER: Objection. 10 THE WITNESS: It does say that, but it also 11 says that, "The pump was primed because of another 12 issue that made them very risk adverse." 13 MR. DICKENS: Okay. 14 MS. BRIER: Sorry. I just have to -- 15 objection. I didn't get chance to get it in. But I 16 object to foundation as to this document. 17 BY MR. DICKENS: 18 Q. So the pump was primed, but what ultimately 19 pushed their hand you'd agree was the possible 20 association with Parkinson's Disease, right? 21 MR. BARTOSZEK: Object to form and 22 foundation. 23 THE WITNESS: It says, "The possible 24 association with Parkinson's Disease." 25 BY MR. DICKENS:	1 was no information in those letters informing anybody 2 about Dole's concern about Parkinson's Disease, right? 3 MR. BARTOSZEK: Objection to form. 4 THE WITNESS: We did not mention Parkinson's 5 Disease in those documents. 6 BY MR. DICKENS: 7 Q. But as we have just agreed, Parkinson's Disease 8 played a significant role in Dole's decision, right? We 9 can agree on that. 10 MR. BARTOSZEK: Form, foundation. 11 THE WITNESS: There was no reason -- 12 MR. BARTOSZEK: Sherry -- 13 THE WITNESS: Sorry. 14 MR. BARTOSZEK: -- give me a chance to 15 object. Form, foundation. 16 Go ahead. 17 THE WITNESS: It is not our position to 18 relate Dole's reasoning for their own decisions. 19 Syngenta evaluated the science and 20 determined no causal link. 21 BY MR. DICKENS: 22 Q. In an earlier document, the memo to sales 23 representatives, it specifically says, "Dole states the 24 decision responds to developing marketplace conditions 25 in Europe and elsewhere regarding the use of the
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1 Q. Okay. But that's what ultimately led to their 2 decision to stop using Paraquat was the reports of a 3 possible association, right? 4 A. It did -- it does say it pushed their hand, yes. 5 Q. And in fact, they made that decision, even though 6 they were fully aware of Syngenta's position on 7 Parkinson's Disease, right? 8 MS. BRIER: Objection, foundation. 9 THE WITNESS: Yes, it does say they were 10 made fully aware of the Syngenta position on 11 Parkinson's Disease. 12 BY MR. DICKENS: 13 Q. Now, you said that this wasn't shared with you 14 previously, right; that's what you said? 15 A. I do not remember this. I don't remember this. 16 Q. Okay. And yet you were tasked with the job of 17 putting together a letter for sales representatives and 18 customers, right -- 19 MS. BRIER: Objection. 20 BY MR. DICKENS: 21 Q. -- related to the Dole decision? 22 MS. BRIER: Object to form. 23 THE WITNESS: Yes. 24 BY MR. DICKENS: 25 Q. And because you weren't made aware of this, there	1 herbicide." Right? 2 A. Would you ask that again, please? 3 Q. Yeah. The memo that you circulated to the sales 4 representatives specifically says, "Dole states the 5 decision responds to developing marketplace conditions 6 in Europe and elsewhere regarding this herbicide." 7 Right? 8 A. Can you point me to that? 9 Q. It's the third full paragraph. 10 A. Yeah. So that is a direct quote. 11 Q. Okay. But there's nothing that would have 12 precluded you from including in here information about 13 Dole's concern about Parkinson's Disease, right? 14 MR. BARTOSZEK: Object to form, foundation. 15 THE WITNESS: So is there information that 16 was disseminated by Dole? 17 BY MR. DICKENS: 18 Q. I'm saying is there anything that precluded 19 Syngenta from including in their memo here about Dole's 20 decision the fact that Dole was concerned about 21 Parkinson's Disease? There's nothing that precluded 22 Syngenta from including that information, right? 23 MS. BRIER: Objection to form. 24 THE WITNESS: Was there information that was 25 disseminated by Dole that stated their decision was

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1 based on concerns about Paraquat causing Parkinson's
 2 Disease?
 3 BY MR. DICKENS:
 4 Q. Well, it was certainly disseminated to Syngenta
 5 we can agree. We just looked at those documents, right?
 6 A. But --
 7 MR. BARTOSZEK: Objection to form,
 8 foundation.
 9 THE WITNESS: But Syngenta doesn't agree
 10 with that and doesn't believe there is a causal link,
 11 and it wasn't something that Dole made public, and I
 12 wasn't aware of that.
 13 BY MR. DICKENS:
 14 Q. So part of the reason it wasn't included was
 15 because Syngenta doesn't agree, right?
 16 MS. BRIER: Objection to form, foundation.
 17 THE WITNESS: I am the communicator.
 18 Syngenta evaluates all of the available information
 19 and scientific knowledge on Paraquat and Parkinson's
 20 Disease, and there's no causative link. So that is
 21 what is communicated.
 22 (Plaintiff's Exhibit No. 30 was marked for
 23 identification)
 24 BY MR. DICKENS:
 25 Q. Switch gears. I'll hand you Exhibit 30.

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1 I've handed you Exhibit 30. The top of the
 2 e-mails -- or the top of the document is an e-mail from
 3 you to Sarah Hull copying Alan Nadel for Paraquat
 4 Proposal; do you see that?
 5 A. Yes.
 6 Q. We've already talked about Sarah Hull.
 7 Alan Nadel, was he an attorney in the United
 8 States?
 9 A. Yes.
 10 Q. And you specifically informed Sarah that you've
 11 "asked v-Fluence to draft a proposal for assessing
 12 online content and movement of the Paraquat/Parkinson's
 13 Disease issue and to recommend strategies/tactics for
 14 addressing these." Right?
 15 A. Yes, that's what it looks like here.
 16 Q. So what it looks like is that you're asking
 17 specifically v-Fluence to help Syngenta come up with
 18 strategies/tactics for addressing links between Paraquat
 19 and Parkinson's Disease?
 20 MR. BARTOSZEK: Object to form.
 21 THE WITNESS: No, not for addressing links
 22 between those two, but for addressing the issue
 23 online and any misconceptions about Paraquat and
 24 Parkinson's Disease.
 25 BY MR. DICKENS:

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1 Q. So when you say issues online and misconceptions,
 2 what you're saying are anything online that suggests
 3 Paraquat can cause Parkinson's, right?
 4 A. I'm talking about --
 5 MR. BARTOSZEK: Objection --
 6 THE WITNESS: I'm talking about --
 7 MR. BARTOSZEK: -- form.
 8 Sorry. Go ahead. I'm done now.
 9 THE WITNESS: I'm talking about, once again,
 10 making sure that what we're seeing online are the
 11 facts about Paraquat as it relates to Parkinson's
 12 Disease.
 13 BY MR. DICKENS:
 14 Q. When you say facts, that's facts as determined by
 15 Syngenta?
 16 A. No, the scientific facts as they are in the
 17 scientific literature, available scientific literature.
 18 Q. What scientific literature did you personally
 19 review?
 20 A. I'm not a scientist. So I didn't review the
 21 literature, but I did rely on our scientists to review
 22 the literature and provide that information to me.
 23 Q. Okay. What independent scientists did you reach
 24 out to and rely on, anyone?
 25 A. That's a question for the Syngenta scientists.

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1 Q. Okay. So the information -- when you say facts
 2 related to Paraquat and Parkinson's, it's facts as
 3 relayed to you by Syngenta scientists?
 4 A. That's correct.
 5 Q. And Syngenta scientists alone, right? That's all
 6 you were relying on?
 7 A. That's correct.
 8 But there are, you know, occasions where we could
 9 supplement what we were writing with links to, you know,
 10 documents on the EPA website, for instance.
 11 Q. Okay. Did Syngenta at any point in time while
 12 you worked for them ever link to a study that showed
 13 there was an association between Paraquat and
 14 Parkinson's Disease?
 15 A. I would rely on the scientists to provide the
 16 messaging, and the messaging from Syngenta scientists
 17 was that there was no causal link.
 18 Q. And that was the only messaging that you received
 19 while employed for Syngenta between 1999 and 2011,
 20 right?
 21 A. Yes.
 22 Q. Now, this document begins with an e-mail, once
 23 again, from Cheryl Byrne in 2008 to you and a Lance
 24 Helgeson.
 25 Is Lance Helgeson a Syngenta employee?

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1 A. No. 2 Q. So once again, you were the only Syngenta 3 employee Cheryl Byrne was communicating with? 4 A. In this instance, yes. 5 Q. She says, "Sherry, v-Fluence would be delighted 6 to conduct top line research into the online environment 7 for Parkinson's and Paraquat." And then she refers, 8 "The work would encompass three buckets." 9 Do you see that? 10 A. Yes. 11 Q. The first bucket, "Who's behind the online 12 discussions and links between Paraquat -- or between 13 Parkinson's Disease and Paraquat." 14 Do you see that? 15 A. Yes. 16 Q. It says, "What visible and influential sites like 17 Wikipedia include on this topic." 18 Do you see that? 19 A. Yes. 20 Q. Now, Syngenta would retain third parties to 21 monitor the Wikipedia site on Paraquat, right? 22 MS. BRIER: Objection, foundation. 23 THE WITNESS: Yes. 24 BY MR. DICKENS: 25 Q. And in fact, it retained third parties to edit	1 provide another viewpoint. 2 Q. And would Syngenta do that themselves or would 3 you typically retain a company to monitor and make those 4 edits? 5 A. As you can see, we would -- we would ask a 6 company like v-Fluence to do that for us. 7 Q. The second bucket, "The emerging risks that the 8 association creates for Syngenta both online and 9 offline." 10 And then, finally, "A road map for proactively 11 addressing these risks and elevating the visibility of 12 Syngenta's own safe use of Paraquat communication 13 efforts and other content that would balance the online 14 environment and aid in any eventual risk mitigation." 15 Did I read that correctly? 16 A. Yes. 17 Q. So the suggestion here is v-Fluence would help 18 elevate the visibility of Syngenta's own communications 19 efforts, and part of that is through search engine 20 optimization, right? 21 A. Yes, that would be one way. 22 Q. And in an effort to what they say balance the 23 online environment, correct? 24 A. Yes. 25 Q. And the suggestion being that the online
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1 some of the information that was on the Wikipedia pages? 2 A. To correct -- 3 Q. And when you say -- 4 A. -- misleading information or incorrect 5 information. 6 Q. And so any topic or information on Wikipedia 7 suggesting there is a link between Paraquat and 8 Parkinson's, that's the type of what you refer to as 9 misleading information that would be edited, right? 10 MS. BRIER: Objection. 11 THE WITNESS: Anything that would -- I'm 12 sorry. 13 MS. BRIER: No problem. Objection to form. 14 Go ahead. 15 BY MR. DICKENS: 16 Q. I'm sorry. Are you going to answer? 17 A. I'm saying incorrect information. 18 Q. And so my question is: If there was information 19 that suggested there was a link between Paraquat and 20 Parkinson's Disease, you would consider that incorrect, 21 right? 22 A. If there was a link to an existing study, we 23 would not take down that link. However, if there was 24 just a statement that said Paraquat caused Parkinson's 25 Disease, then yes, we would correct that statement and	1 environment at this point in 2008 was suggesting there 2 was indeed a link between Paraquat and Parkinson's; was 3 that your understanding? 4 MR. BARTOSZEK: Object to form. 5 THE WITNESS: I think it's fairly obvious at 6 this point that we were dealing with an environment 7 that suggested a link between Paraquat and 8 Parkinson's Disease and that there was an effort 9 within Syngenta to try to correct that misconception. 10 BY MR. DICKENS: 11 Q. And prevent individuals from obtaining that 12 information that may indeed suggest there is a link, 13 right? 14 MS. BRIER: Objection -- 15 THE WITNESS: No. 16 MS. BRIER: -- to form. 17 THE WITNESS: Sorry. That's incorrect. 18 MR. DICKENS: I'm going to hand you what 19 we'll mark as Exhibit 31. 20 (Plaintiff's Exhibit No. 31 was marked for 21 identification) 22 BY MR. DICKENS: 23 Q. The title of this document is Paraquat and 24 Parkinson's Disease: A Briefing to Syngenta Crop 25 Protection by v-Fluence September 2008.

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1 On the second page of this document after the 2 cover page, there's an Overview. It states, "For this 3 report, we've evaluated how people search and how often 4 they search for Paraquat and Parkinson's." Right? 5 That's what v-Fluence was tasked with? 6 A. I think that's what they did, I think, or how 7 they did it. I think what they did was contained 8 actually in the first paragraph. I think the overall 9 objective was to evaluate the prevalence and influence 10 of negative claims. 11 Q. Okay. "Most notably from the Collaborative on 12 Health and the Environment?" 13 A. Yes. 14 Q. In the third paragraph under Overview, they 15 provide their goal, and that was to "provide Syngenta an 16 assessment of current online risks and opportunities 17 related to Paraquat and Parkinson's and to provide next 18 step recommendations." Right? 19 A. Yes. 20 Q. On the second or -- sorry -- Page 3, there's a 21 section at the bottom of the page, Search Highlights, 22 and it lists For Paraquat and v-Fluence references, 23 "Overall interest in Paraquat is relatively low when 24 compared to similar projects and benchmark topics." 25 Do you see that?	1 through search engine optimization or SEO this site and 2 its content to ensure that search results consumers find 3 would include a greater degree of balance and levity 4 related to the linkage between Paraquat and Parkinson's 5 Disease." That was a recommendation from v-Fluence, 6 right? 7 A. Yes. 8 Q. And so this recommendation is to optimize, 9 through search engine optimization, Paraquat.com so that 10 someone searching for information on Paraquat and 11 Parkinson's Disease would go to Paraquat.com first, 12 correct? 13 A. Or if not first, at least higher up in the search 14 results. 15 Q. And once again, throughout at least the time you 16 were working at Syngenta, the information included on 17 Paraquat.com, with respect to Parkinson's, would inform 18 consumers and others searching that there is no link, 19 right? 20 A. That, in addition to educating viewers about the 21 issue. 22 Q. And in your opinion, was the information on 23 Paraquat.com a balanced education on the issue? 24 A. From what I recall, it was. 25 Q. Were you involved in the creation of the
Page 231	Page 233
1 A. I do. 2 Q. And at this point in 2008, "Within Paraquat 3 searches, only 5 percent of all searches are specific to 4 Parkinson's." Right? 5 A. Yes. 6 Q. All right. I'm going turn to the 7 Recommendations, which is Page 8 of this document, and 8 on the bottom of Page 8, it says, "As our research 9 shows, there's little consumer search interest specific 10 to the potential linkages between Paraquat and 11 Parkinson's." Right? 12 A. Yes. 13 Q. And it states, "Syngenta's Paraquat.com can serve 14 as a resource for those interested in information about 15 the product and the risks in these spaces." Correct? 16 A. Yes. 17 Q. And once again, we discussed Paraquat.com, and 18 that was the purpose, right, is to provide Syngenta's 19 position with respect to its product and its risks? 20 A. Or the product and its benefits. 21 Q. Okay. So Paraquat.com would have information 22 about the benefits of Paraquat but also address 23 information about safety risks, correct? 24 A. And safety in general. 25 Q. "v-Fluence suggests proactively optimizing	1 information or the language to be used in the 2 information that was on Paraquat.com? 3 A. I don't remember specifically how involved or if 4 I was involved, but it's possible. 5 Websites like that were continually updated as 6 new information became available. 7 Q. The next page are some recommendations, 8 "Paraquat.com in support of third-party content." 9 Do you see that? 10 A. Yes. 11 Q. It includes Site Coding/Optimization, Link 12 Development, Content Creation, Pay Per Click Campaign; 13 those were recommendations made to Syngenta? 14 A. Yes, apparently. 15 Q. Were those recommendations adopted by Syngenta? 16 A. I really don't remember. 17 MR. DICKENS: I'm going to hand you 18 Exhibit 2 -- I'm going to hand you Exhibit 32 and 33. 19 (Plaintiff's Exhibit Nos. 32 and 33 were 20 marked for identification) 21 MR. DICKENS: Oh, I'm sorry. My fault on 22 that one. I'm going to go ahead, and we can put 32 23 aside. 24 I'm now going to mark 33 and 34. This is 25 33. Sorry about that. That's why I need my helper

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1 to keep track of this stuff. 2 (Plaintiff's Exhibit No. 34 was marked for 3 identification) 4 BY MR. DICKENS: 5 Q. Here's a copy of 33 and 34. 6 Exhibit 33, I think, is an e-mail from a Randy 7 Krotz to you, subject: Paraquat and Parkinson's 8 April 2009. 9 It appears Randy is with v-Fluence, right? 10 A. Yes. 11 Q. And he attached a Paraquat report, correct? 12 A. Yes. 13 Q. Now, I want to direct your attention to 14 Exhibit 35, which is the April 2009 Paraquat and 15 Parkinson's Disease report from v-Fluence; do you see 16 that? 17 MS. BRIER: Sorry for interrupting. 18 Is 34 the -- 19 MR. BARTOSZEK: I have it as 34. 20 MR. DICKENS: 34 is the Paraquat and 21 Parkinson's Disease. 22 THE WITNESS: So there are two reports? 23 BY MR. DICKENS: 24 Q. Correct. 25 A. Yes.	1 A. Yes. 2 Q. And so between September 2008 and April 2009, the 3 interest in Paraquat and Parkinson's Disease online was 4 decreasing; is that fair? Is that right? 5 A. According to this. 6 Q. And in fact, there's a comparison of the search 7 interest on the next page between April of 2009 and 8 September of 2008; do you see that? 9 A. I do. 10 Q. And at this time in April of 2009, the sample 11 number of monthly searches for Parkinson's cause terms 12 was 72, right? 13 A. Yes. 14 Q. And that's compared to 430 in September of 2008? 15 A. Yes. 16 Q. And Parkinson's and litigation interest in April 17 of 2009 was 0, right? 18 A. Correct. 19 Q. While in September 2008, Parkinson's and 20 litigation interest was 118 in that month alone, right? 21 A. Correct. 22 Q. And in fact, at this time in April of 2009, were 23 you aware of whether or not there was any litigation 24 pending against Syngenta related to allegations of 25 Parkinson's Disease?
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1 Q. And Exhibit 34 specifically is the report from 2 April 2009, which is after the September 2008 report, 3 right? 4 A. Yes. 5 Q. Okay. Do you recall how many Parkinson's -- or 6 Paraquat and Parkinson's Disease reports were completed 7 by v-Fluence and provided to Syngenta during your 8 employment through 2011? 9 A. I do not remember. 10 Q. The Overview, "This report provides a top-line 11 update of the September 2008 report v-Fluence conducted 12 for Syngenta to detail the prevalence and visibility of 13 online content related to Paraquat and Parkinson's 14 Disease." 15 Do you see that? 16 A. Yes. 17 Q. There's some key top-line take-aways, right? 18 A. Yes. 19 Q. It says, "In September, we noted the search 20 interest for Parkinson's Disease was growing." 21 The next sentence, "Our finding -- current 22 finding show a drop in search interest for 23 Parkinson's-likely due to less high profile activity by 24 Parkinson's advocate celebrities." 25 Do you see that?	1 A. I don't know. But that's a question that's 2 probably better directed to an attorney, a Syngenta 3 attorney. 4 Q. Now, once again, you're not sure whether, between 5 September 2008 and April of 2009, whether or not you 6 implemented any of the short-term recommendations from 7 the September 2008 report? 8 A. I really don't remember. 9 Q. At some point in time, though, it's fair to say 10 search engine optimization was indeed used by Syngenta? 11 A. Again, I don't remember. 12 Q. You included it on your CV, right? 13 MR. BARTOSZEK: Object to form, foundation. 14 THE WITNESS: I included it on my resume as 15 a general area, I think, in relation specifically to 16 a revision of our news release template. 17 BY MR. DICKENS: 18 Q. So you don't know whether or not search engine 19 optimization was used specific to Paraquat.com, for 20 instance? 21 A. I don't remember if we actually implemented that 22 tactic. 23 Q. The next page of this document v-Fluence reports, 24 "Consumers do not currently associate Paraquat and 25 Parkinson's together when they search."

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1 Did I read that correctly? 2 A. Where are you? 3 Q. The bottom, the bates number 970. 4 A. 970. 5 Q. And the second bullet point. 6 A. Yes, I see that. 7 Q. And that was what Syngenta wanted, right, is for 8 consumers not to associate Paraquat with Parkinson's 9 Disease? 10 MS. BRIER: Object to the form. 11 THE WITNESS: That would have been a 12 positive outcome, yes. 13 BY MR. DICKENS: 14 Q. And that was one of the goals that you, as a 15 Communication Team, was attempting to accomplish was for 16 consumers not to associate Paraquat with Parkinson's, 17 right? 18 A. Yes. Again, that would have been a positive 19 outcome, because there was no causative link. 20 Q. According to the Syngenta scientists? 21 A. According to their evaluation of the current 22 scientific literature. 23 Q. And their being Syngenta scientists? 24 A. Yes, they were Syngenta scientists. 25 MR. DICKENS: Okay. Why don't we take a	1 employed with the company, is that something that you 2 would have been involved with? 3 A. Possibly. 4 Q. You mentioned you transitioned to a new position 5 in 2010, was it? 6 A. Yes. 7 Q. When, in 2010, did you transition to that new 8 position? 9 A. I can't remember exactly. I think it might have 10 been somewhere around the end of the first quarter of 11 2010. 12 Q. Who in Syngenta overtook your position as it 13 related to the communications side of Paraquat? 14 A. A woman named Ann Bryan. 15 MR. DICKENS: I'm going to hand you what 16 we'll mark as Exhibit 35. 17 (Plaintiff's Exhibit No. 35 was marked for 18 identification) 19 BY MR. DICKENS: 20 Q. I've handed you Exhibit 35, which is a memorandum 21 from Levick to a Sarah Hull, subject: Strategic 22 Communications-Paraquat dated March 15, 2010; do you see 23 that? 24 A. Yes. 25 Q. And what was Sarah Hull's job at Syngenta in
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1 break. I'm going to see what I can do to wrap up. 2 THE VIDEOGRAPHER: The time on the monitor 3 is 5:38 p.m. We are off the Record. 4 (A brief recess was taken in the deposition) 5 THE VIDEOGRAPHER: The time on the monitor 6 is 5:45 p.m. We are back on the Record. 7 BY MR. DICKENS: 8 Q. Ms. Duvall, we've been discussing v-Fluence's 9 work with Syngenta relating to Paraquat issues. 10 Were there any other third-party companies or 11 vendors that Syngenta retained to work on issues related 12 to Paraquat? 13 A. Other than a media trainer, I can't think of any. 14 Q. Did Syngenta work with Levick Strategic 15 Communications at any point? 16 A. Yes. Yes. 17 Q. Were you involved in coordinating with Levick 18 Strategic Communications as it related to Paraquat? 19 A. I could have been. 20 Q. Do you know whether or not Levick worked with 21 Syngenta on Parkinson's Disease as it related to 22 Paraquat? 23 A. I don't remember. 24 Q. If Syngenta worked with Levick with respect to 25 Parkinson's Disease during the time that you were	1 March of 2010? 2 A. She would have been in Issue Management at the 3 global level. 4 Q. Was she working in the Greensboro office? 5 A. No. She was in Switzerland. 6 Q. So she was in Switzerland. 7 Levick Strategic Communications, are they a 8 United States company? 9 A. Yes. 10 Q. Would you work with Ms. Hull on issues related to 11 communications within the United States? 12 A. It's possible that I would have, yes, when I was 13 in that role. 14 Q. And is it your understanding you would have been 15 still in that role in March of 2010 as it related to the 16 communications side? 17 A. I can't say for certain. 18 Q. I presume, but I'll ask anyway. 19 Do you recall receiving this memorandum while you 20 were employed at Syngenta? 21 A. I don't recall. 22 Q. And for us to know whether or not you received 23 it, we'd have to look in your files with Syngenta? 24 MS. BRIER: Object to the form. 25 THE WITNESS: Not necessarily. I don't

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1 know. 2 BY MR. DICKENS: 3 Q. This document has Background. You mentioned, 4 "While we discussed several strategic communication 5 challenges currently confronting Paraquat, we focused 6 primarily on the emerging threat of a possible link 7 between the product and Parkinson's Disease." 8 Did I read that correctly? 9 MS. BRIER: Can I have a standing foundation 10 objection for questions on this document? 11 MR. DICKENS: You can. 12 THE WITNESS: Yes. 13 BY MR. DICKENS: 14 Q. Now, did you ever travel to Switzerland to attend 15 meetings with the Global Communications Team? 16 A. I did. 17 Q. On how many occasions during the course of your 18 employment from 1999 to 2011 did you travel to 19 Switzerland? 20 A. Once. 21 Q. And when was that? 22 A. I don't -- 23 Q. Roughly? 24 A. I couldn't tell you. 25 Q. Okay. What was the purpose of the meeting, if	1 to establish a definitive link would present both a 2 challenge and an opportunity." 3 That's what Levick is informing Ms. Hull, based 4 on this document, correct? 5 A. Yes. 6 Q. Now, did you meet with or had you ever met with a 7 David Bartlett of Levick Strategic Communications during 8 the course of your employment? 9 A. Yes. 10 Q. Did you meet with David Bartlett with respect to 11 Paraquat related issues? 12 A. I don't remember. 13 Q. Do you recall what issues you did meet with David 14 Bartlett about? 15 A. Yes. 16 Q. And what were those issues that you recall? 17 A. The product Atrazine. 18 Q. As you sit here today, do you know that for a 19 fact you did not meet with David Bartlett about Paraquat 20 or you just can't recall? 21 A. I can't recall. 22 Q. Do you recall whether or not you had any written 23 communications with David Bartlett at Levick regarding 24 Paraquat? 25 A. I don't recall.
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1 you recall? 2 A. I couldn't tell you that either. 3 Q. Do you know whether or not it involved all of the 4 herbicides that you would have been responsible for or a 5 specific one? 6 A. It could have been none of the herbicides. It 7 could have been related to no product. 8 Q. This memorandum states, "Parkinson's link could 9 at any moment spark a popular movement against Paraquat 10 in the increasingly important North American market." 11 Do you see that? 12 A. Yes. 13 Q. Was Ms. Hull responsible for communications 14 within North America in any manner? 15 A. She was -- handled issue management at the global 16 level. 17 Q. So that global level, that would have included 18 North America under her purview? 19 A. Yes. She was at a -- she took more of a bird's 20 eye view of issues for the company. 21 Q. Issues related to communications? 22 A. Related to our products and corporate reputation. 23 Q. On Page 2, in the fourth paragraph on this page, 24 "A new study that adds to the evidence suggesting a 25 correlation between Paraquat and Parkinson's but failing	1 Q. It states, "But rather than react to that message 2 defensively, we'd be better advised to ignore it and 3 instead frame the findings on our own terms, emphasizing 4 safety and benefit." 5 And that sentence specifically related to studies 6 showing a correlation between Paraquat and Parkinson's, 7 right? 8 A. If I could have a chance to read that paragraph 9 before answering. 10 Q. Of course. 11 A. Yes. 12 Q. And so David Bartlett at Levick Communications 13 recommending that evidence suggesting a correlation, it 14 would be best for the company to simply ignore that, 15 right, and then frame the issues in terms of the safety 16 message that was being provided by Syngenta to outside 17 stakeholders? 18 MS. BRIER: Objection to form. 19 THE WITNESS: He's suggesting not to ignore 20 the study itself, but to ignore the critic's attempt 21 to frame the findings in a light that emphasized 22 potential danger and risk. 23 BY MR. DICKENS: 24 Q. I want to go to the very last sentence on this 25 page. It's under Strategic Objective, and it says,

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1 "Farmers don't want to think that a product that has 2 been so useful to them for so long might be dangerous to 3 their health, and they are looking to us to reassure 4 them that this is not the case." 5 Now, based on your communications with the 6 general public and farmers, was that your understanding, 7 that farmers did not want to think products they used 8 that were useful to them could be dangerous to their 9 health? 10 MS. BRIER: Object to form. 11 THE WITNESS: I can't speak for farmers. I 12 think farmers look to Syngenta to tell them the facts 13 about our products, and I think they trusted us to do 14 that. 15 BY MR. DICKENS: 16 Q. And indeed, what you were attempting to do, as 17 part of the Communications Team, was to reassure farmers 18 as to the safety of Paraquat, right? 19 A. We were always trying to communicate to farmers 20 and other audiences the facts about Paraquat. 21 Q. Do you know whether or not Sarah Hull still works 22 at Syngenta? 23 A. I don't. 24 MR. DICKENS: Go ahead and mark Exhibit 36 25 for the Record.	1 A. No, I don't remember. 2 Q. You don't remember at all? 3 A. (Shaking head negatively). 4 Q. Do you recall a lawsuit being filed against 5 Syngenta, Shenkel v. Syngenta? 6 A. I don't recall that. 7 Q. You don't recall preparing a Standby Statement 8 related to this lawsuit? 9 A. I don't. 10 Q. Do you recall ever receiving a Preservation 11 Notice from any attorney at Syngenta related to 12 retaining your documents for any reason? 13 A. I know what a Preservation Notice is, because I 14 think we received one on Atrazine and the lawsuit 15 concerning that product. I just don't remember 16 receiving this specifically. 17 Q. You remember receiving one for Atrazine, though? 18 A. I'm -- yes. I couldn't tell you the date or I 19 couldn't tell you -- 20 Q. Do you know whether it was before or after 21 March 2008? 22 A. I think it was -- I think it was before. 23 You're asking me about the one for Atrazine? 24 Q. Correct. 25 A. Yes.
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1 (Plaintiff's Exhibit No. 36 was marked for 2 identification) 3 BY MR. DICKENS: 4 Q. Exhibit 36 is a document sent to certain Syngenta 5 employees regarding communications on retention of 6 documents and e-mails relevant to potential future 7 litigations involving claims that Paraquat may be 8 associated with the onset of Parkinson's; do you see 9 that? 10 A. Yes. 11 Q. And indeed, you received communication from legal 12 counsel in March 2008 instructing you to retain 13 documents and e-mails related to Parkinson's Disease and 14 Paraquat, right? 15 MR. BARTOSZEK: Object to the form, 16 foundation. 17 THE WITNESS: I don't remember if I received 18 this or not. 19 BY MR. DICKENS: 20 Q. Okay. And to know whether or not you received 21 it, we'd look into your file with Syngenta? 22 A. Again, I don't know if I received this or not. 23 So I don't even know if a file still exists. 24 Q. Do you recall attending a meeting in Atlanta, 25 Georgia in February of 2008?	1 Q. Okay. So you remember receiving one earlier than 2 2008 for Atrazine, but you can't recall whether or not 3 you received one for Paraquat? 4 A. Well, I worked -- I worked on Atrazine a whole 5 lot more than I worked on Paraquat. 6 MR. DICKENS: And that's fine. 7 I'll go ahead and mark Exhibit 37. 8 (Plaintiff's Exhibit No. 37 was marked for 9 identification) 10 BY MR. DICKENS: 11 Q. Now, before we get to this. 12 Had you received a Preservation Notice of a legal 13 hold related to Paraquat, you would have abided by that, 14 right? 15 A. Yes. 16 Q. You did so for Atrazine, correct? 17 A. Yes. 18 Q. And had you received one for Paraquat, you would 19 have done the same? 20 A. Yes. 21 Q. Now, Exhibit 37, at the bottom of the page, is an 22 e-mail from Alan Nadel to a bunch of individuals, 23 including you. Subject: Preservation Notice 24 Parkinson's Reminder to All March 9, 2011, right? 25 A. Yes.

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1 Q. And it says, "Please see attached documents." 2 But you were included in that e-mail chain, 3 right? 4 A. Yes. 5 Q. And the attachments to this document are the 6 Preservation Notice. Those appear to be all redacted. 7 But it's fair to say on March 9, 2011, you would 8 have received a Preservation Notice related to 9 Parkinson's from legal counsel in the United States from 10 Syngenta, right? 11 A. Yes. 12 Q. And this is shortly before you left the company, 13 right? 14 A. It is, yes. 15 Q. And specifically the Preservation Notice that was 16 sent at this time states, "Reminder to All." Correct? 17 A. Yes. 18 Q. And a reminder of a Preservation Notice 19 specifically on the issue of Parkinson's Disease? 20 A. Yes. 21 Q. Which is the same issue for which a Preservation 22 Notice communication was sent in 2008, whether or not 23 you received it, right? 24 MR. BARTOSZEK: Objection, form. 25 THE WITNESS: Yes. I'm -- yes, I'm	1 A. I would have had very few hard copies of 2 anything. 3 Q. So everything would have been electronic on your 4 computer? 5 MS. BRIER: Objection to form. 6 THE WITNESS: Yeah. Yes. Most everything 7 that I had was electronic. 8 BY MR. DICKENS: 9 Q. And that includes all of the e-mails you sent and 10 received during the course of your employment at 11 Syngenta, right? 12 A. Yes. 13 Q. Would you frequently go through and delete all of 14 your e-mails that you would have sent or received at 15 Syngenta? 16 A. I was very tidy. So I kept a very clean e-mail. 17 Q. Okay. 18 A. Yes. 19 Q. So you would delete e-mails from time to time? 20 A. Not related to anything that would have pertained 21 to lawsuits, had I been asked to keep them, but I was -- 22 I'm a bit of a neat freak, and I like to be organized. 23 So anything that I didn't need, I would delete. 24 Q. So if you were subject to a legal hold from 2008 25 through the time that you departed the company, you
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1 assuming. 2 BY MR. DICKENS: 3 Q. Now, it says Preservation Notice Parkinson's. 4 Are you aware of any other product you were 5 working on, other than Paraquat, that had been linked to 6 Parkinson's Disease in any way? 7 A. No. 8 Q. So it's your understanding that this Preservation 9 Notice sent to you shortly before you left the company 10 would have been related to Paraquat and Parkinson's 11 Disease communications? 12 A. I would assume that. 13 Q. So is it fair to say at the time, in March of 14 2011, you would have maintained your documents as it 15 related to Paraquat and Parkinson's Disease? 16 A. Yes. 17 Q. And if there was a legal hold and Preservation 18 Notice related to those documents, you wouldn't have 19 deleted or destroyed them in any way, right? 20 A. No. 21 Q. What do you recall doing with your documents when 22 you left the company? 23 A. I wouldn't have done anything with them. 24 Q. Did you have hard copies of documents that you 25 had at the time you left the company?	1 would have abided and kept those documents, right? 2 A. Of course. 3 Q. And indeed, we know you were subjected to a 4 Preservation Notice in 2011, right? 5 MR. BARTOSZEK: Object to form. 6 THE WITNESS: According to this, yes, I was. 7 MR. DICKENS: I'll hand you what we'll mark 8 as Exhibit 38, and I promise I won't ask you 9 everything about those documents. 10 (Plaintiff's Exhibit No. 38 was marked for 11 identification) 12 BY MR. DICKENS: 13 Q. This giant set of documents I've handed you 14 marked as Exhibit 38, these are your handwriting on 15 these pages, correct? 16 A. Correct. 17 Q. And it's my understanding that these are 18 handwritten notes of yours related to Atrazine 19 specifically. 20 MS. BRIER: Object to form. 21 BY MR. DICKENS: 22 Q. Is that your understanding? 23 A. It appears that they are Atrazine notes, yes. 24 Q. And I'll represent to you that there are over 100 25 pages of handwritten notes related to Atrazine.

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1 All right. Now, are these Atrazine notes which
 2 you took with you at the time that you left the company
 3 or did you leave those behind?
 4 A. I left --
 5 MR. BARTOSZEK: Objection. Asked and
 6 answered.
 7 Go ahead.
 8 THE WITNESS: I left them.
 9 BY MR. DICKENS:
 10 Q. And you would have done the same with any
 11 handwritten notes with respect to Paraquat, right?
 12 A. Yes.
 13 Q. While you had 100 pages of handwritten notes for
 14 Atrazine, do you believe you would have had more or less
 15 for Paraquat?
 16 MR. BARTOSZEK: Object to form.
 17 THE WITNESS: Much fewer.
 18 BY MR. DICKENS:
 19 Q. Okay. When you say much fewer, can you give me
 20 an estimate as to how much fewer?
 21 A. I can't.
 22 I can only tell you that Atrazine was, by far,
 23 the product that I worked on the most.
 24 Q. For a breakdown of the time you spent on Atrazine
 25 versus Paraquat, can you give me roughly how much time

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1 was related to Atrazine versus Paraquat?
 2 A. It was -- I would say 90 percent of my time was
 3 spent on Atrazine.
 4 Q. And that's true from 2000 through 2010?
 5 A. The longer I was with the company, the more time
 6 I spent on Atrazine.
 7 Q. Now, you, during that period, were Communication
 8 Manager for both Atrazine and Paraquat, right?
 9 A. Yes. When I was in that role, yes.
 10 Q. Was there a particular reason why you spent
 11 90 percent of your time on Atrazine and only 10 percent
 12 on Paraquat?
 13 A. It really just evolved that way. We had our
 14 Communications Department increased, and so I was able
 15 to offload some issues, but also because Atrazine
 16 demanded more of my time.
 17 Q. Is there a particular reason it demanded more of
 18 your time?
 19 A. It was a bigger issue.
 20 Q. What was a bigger issue?
 21 A. Atrazine was a bigger issue.
 22 Q. When you say bigger issue, do you mean with
 23 respect to importance within the company or issues
 24 related to Atrazine?
 25 A. There were -- there were more issues related to

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1 Atrazine than there were related to Paraquat.
 2 Q. Issues related to litigation?
 3 A. No, not just litigation. That was part of it.
 4 Q. More regulatory issues; is that right?
 5 A. That's correct.
 6 Q. Now, while you were employed by Syngenta, did you
 7 have a company provided laptop that you used?
 8 A. Yes.
 9 Q. Did you return that upon leaving the company?
 10 A. Yes.
 11 Q. When you returned it, did you wipe it clean or
 12 were there still documents and e-mails on that
 13 particular laptop?
 14 A. I didn't do anything with it. I simply returned
 15 it.
 16 Q. So you didn't erase the hard drive or anything
 17 along those lines?
 18 A. I didn't do anything to the computer.
 19 Q. You didn't delete any documents, right?
 20 A. I simply handed it in.
 21 MR. BARTOSZEK: Objection. Asked and
 22 answered.
 23 BY MR. DICKENS:
 24 Q. During your course of employment with Syngenta,
 25 did you send text messages or any other type of messages

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1 by phone to other employees or outside individuals?
 2 MS. BRIER: Objection to form.
 3 THE WITNESS: I don't think texting was a
 4 thing.
 5 BY MR. DICKENS:
 6 Q. It might not have been.
 7 At some point -- well, do you recall ever sending
 8 any text messages to anyone at v-Fluence, for example?
 9 A. No.
 10 Q. Any text messages to any of your colleagues at
 11 Syngenta?
 12 A. No.
 13 Q. Did you have a company provided cell phone?
 14 A. Yes.
 15 Q. And would you use that company provided cell
 16 phone to send messaging to anybody?
 17 MR. BARTOSZEK: Object to form.
 18 THE WITNESS: No.
 19 MR. BARTOSZEK: Sorry.
 20 Go ahead. I was slow.
 21 THE WITNESS: No.
 22 BY MR. DICKENS:
 23 Q. After you left the company, did anyone contact
 24 you with respect to whether or not you had any Paraquat
 25 related documents in your possession and control?

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1 A. No, not that I recall. 2 Q. Were you ever informed by anyone at Syngenta that 3 they no longer have any electronically stored 4 information or documents related to you during your 5 course of employment? 6 A. Was I ever asked if I had? 7 Q. Were you ever informed by anyone at Syngenta that 8 that was the case? 9 A. I'm sorry. Ask that question, if you would, one 10 more time. 11 Q. After leaving the company, were you ever informed 12 by anyone at Syngenta that they no longer have any 13 electronically stored information or documents related 14 to your employment at Syngenta between 1999 and 2011? 15 A. No. 16 MR. DICKENS: I have no further questions. 17 MS. BRIER: Could we go off the Record for a 18 couple minutes? 19 THE VIDEOGRAPHER: The time on the monitor 20 is 6:17 p.m. We are off the Record. 21 (A brief recess was taken in the deposition) 22 THE VIDEOGRAPHER: The time on the monitor 23 is 6:18 p.m. We are back on the Record. 24 MS. BRIER: Good evening, Ms. Duvall. I 25 just have a few questions for you tonight.	1 A. Yes. 2 Q. And you mentioned a couple of products that you 3 worked with, but I just want the Record to be clear. 4 Was Paraquat the only product that you worked 5 with at Syngenta? 6 A. No. I worked with a number of different 7 products. 8 Q. And was Paraquat the product that you worked with 9 the most at Syngenta? 10 MR. DICKENS: Objection to form. 11 THE WITNESS: No, Paraquat was not the 12 product that I worked with the most, not by a long 13 shot. 14 BY MS. BRIER: 15 Q. And what was the product that you did work with 16 the most? 17 A. That was, by far, Atrazine, which was a 18 herbicide. 19 Q. And you mentioned today during your testimony 20 that Paraquat was different in that it was something 21 that involved the Global Team. 22 Can you explain a little bit about what that 23 relationship was between yourself and the Global Team as 24 it related to Paraquat? 25 A. Sure. Paraquat, because it was so important to
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1 EXAMINATION BY COUNSEL FOR THE DEFENDANT 2 BY MS. BRIER: 3 Q. Could you please introduce yourself for the 4 Record? 5 A. Sure. My name is Cheryl Duvall. 6 Q. And Ms. Duvall, can you tell the jury a bit about 7 your background? 8 A. Of course. I have a communications and public 9 relations background. I started out working for public 10 relations firms and then switched over to corporate 11 communications and worked for Syngenta Crop Protection 12 for 12 years. 13 Q. And where did you get your education? 14 A. I graduated with a Bachelor's degree from Miami 15 University in Oxford, Ohio. 16 Q. And what did you study when you went to that 17 institution? 18 A. I studied communications, with a concentration in 19 public relations. 20 Q. And how did you get into communications? 21 A. One of my greatest loves and strengths is 22 writing, and I would say that's how I got into it. 23 Q. So I want to talk to you a bit about your role at 24 Syngenta specifically, and you were asked a number of 25 questions about that today; do you recall those?	1 developing countries and was used so much in the 2 developing countries, it was more of a global product in 3 issue management. 4 It was unfortunately often used in intentional 5 ingestions by poor farmers, and sometimes it was 6 decanted into -- you know, from its original container, 7 because it was a very economical herbicide, and so it 8 was often shared among farmers, and it was sometimes 9 accidentally ingested, and that often occurred in those 10 developing countries. 11 So the issues associated with Paraquat were often 12 concentrated outside the U.S., and so the issue was very 13 often more of a global issue, and those issues were more 14 often handled at the global level. 15 Q. And can you remind the jury what the geographical 16 area of focus that you were responsible for? 17 A. I was more focused on the U.S., and I coordinated 18 communications with Canada and Mexico. 19 Q. I'd like to look at a couple of the documents 20 that you talked about. I think they're probably in 21 order or close to in order. 22 I'd just like to start with Exhibit 17. 23 A. Okay. 24 Q. If you could, let me know when you have that one 25 in front of you.

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1 A. Almost. All right. 2 Q. Thanks. 3 And just to be sure we're on the same page, this 4 is a September 2005 e-mail from Mike Clapp at the top of 5 the document? 6 A. Yes. 7 Q. Okay. Do you recall being asked questions about 8 plans at the global level to develop a Position Paper on 9 this? And I'm referring to your e-mail in the middle of 10 the document. 11 You were asked a question -- do you recall being 12 asked questions about whether there were plans at the 13 global level to develop a Position Paper? 14 A. Yes, I remember being asked questions about this. 15 Q. Okay. And the e-mail above the one that you sent 16 looks like it's from someone named Michael Voerman; do 17 you know what his role was or what he was -- what group 18 he was with? 19 A. I don't remember. 20 Q. Do you know what CHBS would signify to you while 21 you were there? 22 A. Yes. That means that he was an employee in 23 Switzerland. 24 Q. And who does he e-mail, and what does he say? 25 A. He is saying, "Mike, whoever needs to comment on	1 going to ask you about Exhibits 26 and 27. It might 2 make sense to just grab all three of those. 3 A. Okay. I'm not seeing 27. 4 Is it at the top? 5 MR. BARTOSZEK: No, that's 29. 6 I'll look for it while she's asking you 7 about -- 8 MS. BRIER: Thanks so much. 9 BY MS. BRIER: 10 Q. Let's start with Exhibit 18. 11 Do you have that one in front of you? 12 A. Yes. 13 Q. And Exhibit 18, and just to be sure that we're on 14 the same page, at the top is an e-mail start from 15 Michael Van -- 16 A. Vanausdein. 17 Q. Thank you. 18 -- to you on January 6, 2006? 19 A. Yes. 20 Q. Okay. And you were asked some questions about 21 Mr. -- about Michael's proposed changes to the 22 Paraquat.com website; do you remember those questions? 23 A. Yes. 24 Q. Do you know whether those proposed changes were 25 made to the Paraquat.com website?
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1 this should please direct to Sherry Ford ASAP." 2 Q. And then in response to that, it looks like 3 someone named Mike Clapp replies, and what does Mike 4 Clapp say? 5 A. Mike says, "Barry has this in hand, and it is the 6 paper we did the initial position on last week." 7 Q. What does that mean to you about whether or not 8 there was a Position Paper on that issue when you 9 e-mailed about it? 10 A. To me, that says that it had already been 11 addressed, that this particular issue had already been 12 addressed. 13 Q. And when an issue like this would come up, would 14 you typically e-mail with the Global Team to ask them 15 questions if you were looking for information from them, 16 as you did here? 17 A. Yes. Yes, that is something that I would 18 typically do, because you wouldn't want to create 19 something if the Position Paper or a response had 20 already been created, because Global was the first line 21 of defense. 22 Q. Ms. Duvall, I'd like to ask you about Exhibit 18, 23 the very next one after Exhibit 17. 24 A. Sure. 25 Q. And while you're pulling out documents, I'm also	1 A. I don't. 2 Q. Okay. And I'd like to look at the e-mail at the 3 bottom that you received from -- and you might need to 4 help me with his first name, Rainer. 5 A. Rainer. 6 Q. Rainer. Okay. 7 Can you please take -- are you with me? Are you 8 looking at that e-mail? 9 A. Yes. 10 Q. Okay. Now I'd like to look at the second line 11 there where it's starting with, "We have put." Do you 12 see that, "We have put an overall statement?" 13 A. Yes. 14 Q. Can you read that sentence? 15 A. "We have put an overall statement addressing does 16 Paraquat cause PD on the Paraquat Information Center at 17 Paraquat.com." 18 Q. And underneath that, is there a statement that 19 appears to be the clip that they did put on the 20 Paraquat.com website? 21 A. Yeah. The direct link is, and it gives the link. 22 Is that what you're looking for? 23 Q. Yes. Exactly. 24 Then there's a snippet that starts that says, 25 "Does Paraquat cause Parkinson's Disease?" Which

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1 appears to be attached for your convenience below; do
 2 you see that?
 3 A. Yes. It says, "For your convenience, I attach it
 4 below."
 5 Q. And there's a statement that says, "Previous
 6 studies have demonstrated."
 7 Can you please read that sentence?
 8 A. "Previous studies have demonstrated that Paraquat
 9 does not cross the blood brain barrier easily, meaning
 10 that it does not reach the specific location in the
 11 brain necessary to produce Parkinson's symptoms."
 12 Q. Now, does that sentence say that Paraquat does
 13 not cross the blood brain barrier at all?
 14 MR. DICKENS: Object to form.
 15 THE WITNESS: It says that it does not cross
 16 the blood brain barrier easily.
 17 BY MS. BRIER:
 18 Q. And you were asked some questions about studies
 19 related to the blood brain barrier.
 20 What's your level of familiarity with those types
 21 of studies?
 22 A. I'm not familiar with the studies themselves.
 23 I'm only familiar with the conclusions that the
 24 scientists at Syngenta tell me about which end up
 25 becoming part of the messaging that we put together for

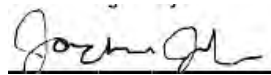
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1 our documents.
 2 Q. Understood. And I'd like to turn next to
 3 Exhibits 26 and 27, please.
 4 A. Okay. Thank you.
 5 Q. Do you have those in front of you now?
 6 A. I do.
 7 Q. Okay. I just have one or two quick questions
 8 about this document.
 9 You were asked some questions about Exhibit 27,
 10 which it appears to be an attachment to Exhibit 26; do
 11 you see that?
 12 A. Yes.
 13 Q. And you were asked some questions about why
 14 certain statements were included in Exhibit 27.
 15 Turning to the second page of Exhibit 27. Did
 16 you write this letter?
 17 A. I don't remember what role I had in writing this
 18 letter or not writing it.
 19 Q. Are you one of the two signatories listed on the
 20 letter?
 21 A. No.
 22 MS. BRIER: Okay. I have no further
 23 questions at this time.
 24 Thank you, Ms. Duvall. Thank you for your
 25 time.

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1 MR. BARTOSZEK: We'll read.
 2 I have no further questions.
 3 THE VIDEOGRAPHER: Nobody on Zoom?
 4 MR. DICKENS: I have no further questions I
 5 don't think.
 6 MS. BRIER: Hearing none, it sounds like
 7 we're good.
 8 And she will read and sign.
 9 THE VIDEOGRAPHER: This concludes today's
 10 videotaped deposition of Sherry Ford. Total number
 11 of videos used is four. The time on the monitor is
 12 6:31 p.m. We are off the Record.
 13 (The deposition was concluded. Reading and
 14 signing were reserved)
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1 CERTIFICATE OF REPORTER
 2
 3 STATE OF NORTH CAROLINA)
 4
 5 COUNTY OF GASTON)
 6
 7 I, JACKIE J. JOHNSON, the official
 8 before whom the foregoing deposition was taken,
 9 according to the emergency video notarization
 10 requirements contained in G.S. 10B-25, do hereby certify
 11 that the witness whose testimony appears in the
 12 foregoing deposition was duly sworn by me; that the
 13 testimony of said witness was taken by me to the best of
 14 my ability and thereafter reduced to typewriting under
 15 my direction; that I am neither counsel for nor employed
 16 by any of the parties to the action in which this
 17 deposition was taken, and further, that I am not a
 18 relative or employee of any attorney or counsel employed
 19 by the parties thereto, nor financially or otherwise
 20 interested in the outcome of the action.
 21

 22
 23 JACKIE J. JOHNSON
 24 MY COMMISSION EXPIRES: August 30, 2026
 25

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1 ERRATA PAGE
 2 PAGE # - LINE # CHANGE AND/OR CORRECTION
 3 (AND EXPLANATION)
 4
 5
 6
 7
 8
 9
 10
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 13
 14
 15
 16
 17 THE ABOVE CHANGES WERE NOTED BY ME ON THIS ERRATA PAGE
 BEFORE SIGNING THE ATTACHED ERRATA PAGE. I HAVE
 18 RETAINED A COPY OF THIS ERRATA PAGE FOR MY RECORDS, AND
 THE COURT REPORTER IS TO ATTACH THIS PAGE TO THE
 19 ORIGINAL TRANSCRIPT.
 20 DATED:
 21
 22 IN WITNESS WHEREOF, I HAVE SET
 MY HAND AND SEAL THIS ____ DAY
 23 OF ____, 2023.
 24 NOTARY PUBLIC: _____
 25 MY COMMISSION EXPIRES: August 30, 2026

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1 Grace Brier, Esquire
 2 grace.brier@kirkland.com
 3 May 1, 2023
 4 RE: Williford, Allen v. Syngenta Crop Protection
 5 4/13/2023, Sherry Ford (#5862313)
 6 The above-referenced transcript is available for
 7 review.
 8 Within the applicable timeframe, the witness should
 9 read the testimony to verify its accuracy. If there are
 10 any changes, the witness should note those with the
 11 reason, on the attached Errata Sheet.
 12 The witness should sign the Acknowledgment of
 13 Deponent and Errata and return to the deposing attorney.
 14 Copies should be sent to all counsel, and to Veritext at
 15 clientservices-va@veritext.com
 16
 17 Return completed errata within 21 days from
 18 receipt of testimony.
 19 If the witness fails to do so within the time
 20 allotted, the transcript may be used as if signed.
 21
 22 Yours,
 23 Veritext Legal Solutions
 24
 25