

1 **HOLLINGSWORTH LLP**  
 Joe G. Hollingsworth (*pro hac vice*)  
 2 Eric G. Lasker (*pro hac vice*)  
 1350 I Street, N.W.  
 3 Washington, DC 20005  
 Telephone: (202) 898-5800  
 4 Facsimile: (202) 682-1639  
 Email: jhollingsworth@hollingsworthllp.com  
 5 elasker@hollingsworthllp.com

6 *Attorneys for Defendant*  
 7 **MONSANTO COMPANY**

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 IN RE: ROUNDUP PRODUCTS LIABILITY LITIGATION	MDL No. 2741 Case No. 3:16-md-02741-VC
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12 This document relates to:  13 <i>Stacy F. Scott v. Monsanto Co.</i> , Case No. 3:17-cv-05686-VC
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15 **MONSANTO COMPANY’S ANSWER TO**  
 16 **PLAINTIFF’S FIRST AMENDED COMPLAINT**

17 Pursuant to Rule 12 of the Federal Rules of Civil Procedure, Defendant Monsanto  
 18 Company (“Monsanto”), by and through its counsel, respectfully responds by generally denying  
 19 all allegations contained in plaintiff Stacy F. Scott’s First Amended Complaint and Jury Demand  
 20 (“the Complaint”), except as set forth below. As defined in the Complaint and as used in this  
 21 Answer, Monsanto refers to Monsanto Company, a United States based company incorporated in  
 22 Delaware, and not to other Monsanto-affiliated companies. Silence as to any allegations shall  
 23 constitute a denial.

24 1. Monsanto admits the allegations in the first and second sentences of paragraph 1.  
 25 Monsanto also admits that glyphosate was one of the world’s most widely used herbicides in  
 26 2013, but notes that Monsanto was and is not the only manufacturer of glyphosate-based  
 27 herbicides. Monsanto lacks information or knowledge sufficient to form a belief as to the

1 accuracy of the specific numbers and statistics cited in the remaining sentences of paragraph 1  
2 and therefore denies those allegations.

3           2.       In response to the allegations in paragraph 2, Monsanto admits that its  
4 headquarters are in St. Louis, Missouri, and that it is incorporated in Delaware. Monsanto  
5 admits that it and affiliated companies have operations and offices in countries around the world.  
6 Monsanto admits that it is a producer of glyphosate-based herbicides but lacks sufficient  
7 information regarding the business of other glyphosate producers to admit or deny the allegation  
8 as written in the second sentence of paragraph 2. Monsanto admits that it is the leading producer  
9 of seeds that contain the Roundup Ready<sup>®</sup> trait and that use of crops with the Roundup Ready<sup>®</sup>  
10 trait substantially improves a farmer's ability to control weeds. Monsanto lacks information or  
11 knowledge sufficient to form a belief as to the accuracy of the specific numbers and statistics  
12 provided in the remaining sentences of paragraph 2 and therefore denies those allegations.

13           3.       In response to the allegations in paragraph 3, Monsanto admits that its glyphosate  
14 products are registered in at least 130 countries and approved for use on over 100 different crops.  
15 Monsanto admits that certain studies have reported that glyphosate is found at *de minimis* levels  
16 significantly below regulatory safety limits in various locations and media. Monsanto denies the  
17 remaining allegations in paragraph 3.

18           4.       Monsanto admits the allegations in the first sentence of paragraph 4. Monsanto  
19 denies the allegations in the second sentence of paragraph 4 to the extent they suggest that the  
20 International Agency for Research on Cancer ("IARC") based its evaluation on a complete or  
21 accurate assessment of the scientific research regarding glyphosate.

22           5.       Monsanto admits the allegations in the first sentence of paragraph 5. Monsanto  
23 denies the allegations in the second sentence of paragraph 5.

24           6.       In response to the allegations in paragraph 6, Monsanto admits that the IARC  
25 working group classified glyphosate under Group 2A. Monsanto denies the remaining  
26 allegations in paragraph 6.

27           7.       Monsanto denies the allegations in paragraph 7.

1           8.       In response to the allegations in paragraph 8, Monsanto admits that glyphosate  
2 repeatedly has been found to be safe to humans and the environment by regulators in the United  
3 States and around the world and further admits that it has labeled glyphosate products as  
4 approved by regulatory bodies consistent with those findings. Monsanto also admits that the  
5 United States Environmental Protection Agency (“EPA”) repeatedly has concluded pursuant to  
6 the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”) that glyphosate-based  
7 herbicides create no unreasonable risk to human health or to the environment when used in  
8 accordance with the label. To the extent that paragraph 8 alleges that Monsanto has labeled  
9 glyphosate or Roundup<sup>®</sup>-branded herbicides in any manner different or in addition to such  
10 regulatory approval, Monsanto denies such allegations.

11           9.       Monsanto lacks information or knowledge sufficient to form a belief as to the  
12 truth of the allegations concerning plaintiff’s citizenship. The remaining allegations in paragraph  
13 9 set forth conclusions of law for which no response is required. To the extent that a response is  
14 deemed required, Monsanto admits the remaining allegations in paragraph 9.

15           10.      Monsanto lacks information or knowledge sufficient to form a belief as to the  
16 truth of the allegations in paragraph 10 that plaintiff purchased Roundup<sup>®</sup>-branded products and  
17 therefore denies those allegations. The remaining allegations in paragraph 10 set forth  
18 conclusions of law for which no response is required.

19           11.      The allegations in paragraph 11 set forth conclusions of law for which no  
20 response is required.

21           12.      In response to the allegations in paragraph 12, Monsanto denies any “omissions”  
22 and certain events giving rise to plaintiff’s claim. Monsanto lacks information or knowledge  
23 sufficient to form a belief as to the truth of the allegations in paragraph 12 regarding where  
24 certain other events giving rise to plaintiff’s claim occurred and therefore denies those  
25 allegations. The remaining allegations in paragraph 12 set forth conclusions of law for which no  
26 response is required. To the extent that a response is required, Monsanto admits that venue is  
27 proper in the Eastern District of Louisiana.

28

1           13.     Monsanto lacks information or knowledge sufficient to form a belief as to the  
2 truth of the allegations asserted in paragraph 13 and therefore denies those allegations.

3           14.     Monsanto admits that it is a Delaware corporation with its headquarters and  
4 principal place of business in St. Louis, MO.

5           15.     In response to the allegations in paragraph 15, Monsanto admits that it was the  
6 entity that discovered the herbicidal properties of glyphosate and that Monsanto manufactures  
7 Roundup<sup>®</sup>-branded products that have glyphosate as the active ingredient, but notes that  
8 Monsanto was and is not the only manufacturer of glyphosate-based herbicides.

9           16.     In response to the allegations in paragraph 16, Monsanto admits that glyphosate is  
10 an herbicide that is used to kill invasive plants and weeds. Monsanto states that the remaining  
11 allegations in paragraph 16 are vague and ambiguous and that it lacks information or knowledge  
12 sufficient to form a belief as to the truth of the remaining allegations in paragraph 16 and  
13 therefore denies those allegations.

14           17.     Monsanto admits the allegations in the first sentence of paragraph 17. Monsanto  
15 denies the allegations in the second sentence of paragraph 17 because the impact of glyphosate  
16 on treated plants varies depending upon the amount of glyphosate applied and the type of plant.  
17 Monsanto denies the allegations in the third sentence of paragraph 17 to the extent that they  
18 suggest that glyphosate is present in any plants at anything other than *de minimis* amounts well  
19 within regulatory safety levels, as determined by EPA.

20           18.     In response to the allegations in paragraph 18, Monsanto admits that farmers have  
21 safely used Roundup<sup>®</sup>-branded products since the 1970s. Monsanto denies the remaining  
22 allegations in paragraph 18.

23           19.     Monsanto admits the allegations in the first two sentences of paragraph 19 and  
24 admits that it has marketed Roundup<sup>®</sup>-branded products in accord with EPA's regulatory  
25 determinations under FIFRA. Monsanto otherwise denies the remaining allegations in paragraph  
26 19.

1           20.     The allegations in paragraph 20 set forth conclusions of law for which no  
2 response is required. To the extent that a response is deemed required, Monsanto admits the  
3 allegations in paragraph 20.

4           21.     In response to the allegations in paragraph 21, Monsanto admits that EPA requires  
5 registrants of herbicides to submit extensive data in support of the human health and  
6 environmental safety of their products and further admits that EPA will not register or approve  
7 the labeling of herbicides that do not satisfy the requirements set forth in FIFRA. The remaining  
8 allegations in paragraph 21 set forth conclusions of law for which no response is required.

9           22.     The allegations in paragraph 22 set forth conclusions of law for which no  
10 response is required.

11           23.     Monsanto admits that Roundup<sup>®</sup>-branded products are registered by EPA for  
12 manufacture, sale and distribution and are registered by the State of Louisiana for sale and  
13 distribution.

14           24.     In response to the allegations in paragraph 24, Monsanto admits that EPA requires  
15 registrants of herbicides to submit extensive data in support of the human health and  
16 environmental safety of their products and further admits that EPA will not register or approve  
17 the labeling of herbicides that do not satisfy the requirements set forth in FIFRA. Monsanto  
18 states that the term “the product tests” in the final sentence of paragraph 24 is vague and  
19 ambiguous, and Monsanto therefore denies the same. The remaining allegations in paragraph 24  
20 set forth conclusions of law for which no answer is required.

21           25.     Monsanto denies the allegations in paragraph 25 to the extent that they suggest  
22 that EPA only evaluates the safety of pesticide products on the date of their initial registration.  
23 Monsanto admits that EPA is in the process of conducting regulatory review of various pesticide  
24 products, but Monsanto lacks information or knowledge sufficient to form a belief as to the truth  
25 of the allegations in paragraph 25 regarding such pesticide products generally and therefore  
26 denies those allegations. The remaining allegations in paragraph 25 set forth conclusions of law  
27 for which no response is required.

28

1           26.     In response to the allegations in paragraph 26, Monsanto admits that EPA has  
 2 undertaken a review of glyphosate and that EPA has not released its findings. Monsanto states,  
 3 however, that: (a) in September 2016, EPA’s Office of Pesticide Programs (“OPP”) issued a 227-  
 4 page evaluation of glyphosate’s carcinogenic potential, concluding that “[t]he strongest support  
 5 is for [the descriptor] ‘not likely to be carcinogenic to humans’ at doses relevant to human health  
 6 risk assessment”<sup>1</sup>; and (b) at the same time, EPA posted an October 2015 final report by its  
 7 standing Cancer Assessment Review Committee (“CARC”), in which CARC endorsed EPA’s  
 8 existing classification of glyphosate as “Not Likely to be Carcinogenic to Humans.”<sup>2</sup> Monsanto  
 9 lacks information or knowledge sufficient to form a belief as to the truth of the remaining  
 10 allegations in paragraph 26 and therefore denies those allegations.

11           27.     In response to the allegations in paragraph 27, Monsanto admits that an EPA  
 12 review committee classified glyphosate as Class C in 1985 based on limited data and that EPA  
 13 changed its classification of glyphosate to Group E based upon a full evaluation of the scientific  
 14 evidence, including but not limited to three animal carcinogenicity studies. Monsanto admits  
 15 that plaintiff has accurately quoted from one passage in an EPA document in 1991 with respect  
 16 to the designation of an agent as Group E, but states that EPA repeatedly has concluded that  
 17 glyphosate does not pose any cancer risk to humans. In addition to the conclusions in the EPA  
 18 OPP Report and the EPA CARC Final Report discussed above, other specific findings of safety  
 19 include:

- 20           •        “In June 1991, EPA classified glyphosate as a Group E [carcinogen]—one that  
 21 shows evidence of non-carcinogenicity for humans—based on the lack of  
 22 convincing evidence of carcinogenicity in adequate studies.” EPA, *Glyphosate*:

23 <sup>1</sup> EPA’s Office of Pesticide Programs, *Glyphosate Issue Paper: Evaluation of Carcinogenic*  
 24 *Potential* at 141 (Sept. 12, 2016) (“EPA OPP Report”), [https://www.regulations.gov/](https://www.regulations.gov/document?D=EPA-HQ-OPP-2016-0385-0094)  
 25 [document?D=EPA-HQ-OPP-2016-0385-0094](https://www.regulations.gov/document?D=EPA-HQ-OPP-2016-0385-0094). The EPA OPP Report was prepared in  
 anticipation of an EPA Scientific Advisory Panel meeting on glyphosate’s carcinogenic  
 potential.

26 <sup>2</sup> Cancer Assessment Review Committee, Health Effects Division, Office of Pesticide Programs,  
 27 U.S. Environmental Protection Agency, *Cancer Assessment Document – Evaluation of the*  
*Carcinogenic Potential of Glyphosate* at 10, 77 (Final Report, Oct. 1, 2015) (“EPA CARC Final  
 Report”), <https://www.regulations.gov/document?D=EPA-HQ-OPP-2016-0385-0014>.

1 *Reregistration Eligibility Decision (RED) Facts*, 2 (Sept. 1993),  
2 <http://archive.epa.gov/pesticides/reregistration/web/pdf/0178fact.pdf>.

- 3 • “No evidence of carcinogenicity.” Glyphosate; Pesticide Tolerances, 67 Fed.  
4 Reg. 60,934, 60,943 (Sept. 27, 2002) (to be codified at 40 C.F.R. pt. 180).
- 5 • “Glyphosate has no carcinogenic potential.” Glyphosate; Pesticide Tolerance, 69  
6 Fed. Reg. 65,081, 65,086 (Nov. 10, 2004) (to be codified at 40 C.F.R. pt. 180).
- 7 • “There is [an] extensive database available on glyphosate, which indicate[s] that  
8 glyphosate is not mutagenic, not a carcinogen, and not a developmental or  
9 reproductive toxicant.” Glyphosate; Pesticide Tolerances, 73 Fed. Reg. 73,586,  
10 73,589 (Dec. 3, 2008) (to be codified at 40 C.F.R. pt. 180).
- 11 • “EPA has concluded that glyphosate does not pose a cancer risk to humans.” 78  
12 Fed. Reg. 25,396, 25,398 (May 1, 2013) (to be codified at 40 C.F.R. pt. 180).
- 13 • “In 2014, EPA reviewed over 55 epidemiological studies conducted on the  
14 possible cancer and non-cancer effects of [g]lyphosate. Our review concluded  
15 that this body of research does not provide evidence to show that [g]lyphosate  
16 causes cancer and does not warrant any change in the EPA’s cancer classification  
17 for [g]lyphosate.” *Agriculture Biotechnology: A Look at Federal Regulation and  
18 Stakeholder Perspectives: Hearing Before the S. Comm. on Agr., Nutrition, &  
19 Forestry*, 114th Cong. (2015) (statement of Dr. William Jordan, Deputy Director  
20 of EPA’s Office of Pesticide Programs),  
21 [http://www.ag.senate.gov/templates/watch.cfm?id=74793e67-5056-a055-64af-  
22 0e55900753b4](http://www.ag.senate.gov/templates/watch.cfm?id=74793e67-5056-a055-64af-0e55900753b4), at time stamp 55:05-56:20.

15 Monsanto denies the remaining allegations in paragraph 27.

16 28. In response to the allegations in paragraph 28, Monsanto admits that it – along  
17 with a large number of other companies and governmental agencies – was defrauded by two  
18 chemical testing laboratories, and that Monsanto had hired both of these laboratories to conduct  
19 testing on glyphosate. Monsanto states that only one of these laboratories was hired to conduct  
20 toxicity tests of glyphosate. Monsanto denies that EPA’s registration of glyphosate or any  
21 glyphosate-based herbicides is based upon any invalid Industrial Bio-Test (“IBT”) Laboratories  
22 studies. To the extent that the allegations in paragraph 28 are intended to suggest that Monsanto  
23 was anything other than a victim of this fraud, such allegations are denied.

24 29. In response to the allegations in paragraph 29, Monsanto admits that IBT  
25 Laboratories was hired to conduct toxicity studies in connection with the registration of a  
26 Roundup<sup>®</sup>-branded product. Monsanto denies that EPA’s regulatory approval of such product is  
27 based upon any fraudulent or false IBT studies.

1           30. Monsanto denies the allegations in paragraph 30 to the extent they suggest that  
2 EPA performed an inspection of IBT Laboratories solely or specifically in connection with  
3 studies conducted on glyphosate. Monsanto admits that EPA performed an audit of IBT  
4 Laboratories to investigate that laboratory's fraudulent and/or improper testing procedures in  
5 connection with services provided to a broad number of private and governmental entities and  
6 that this inspection included a review of studies IBT conducted on glyphosate. Monsanto was  
7 one of several pesticide manufacturers who had used IBT test results. The audit found some  
8 toxicology studies conducted with the original Roundup<sup>®</sup> herbicide to be invalid. As a result,  
9 Monsanto repeated all required studies in accordance with applicable EPA testing guidelines.  
10 Monsanto denies that EPA's registration of glyphosate or any glyphosate-based herbicides is  
11 based upon any invalid IBT studies. To the extent that the allegations in paragraph 30 are  
12 intended to suggest that Monsanto was anything other than a victim of this fraud, Monsanto  
13 denies those allegations.

14           31. In response to the allegations in paragraph 31, Monsanto admits that three IBT  
15 employees were convicted of the charge of fraud, but Monsanto denies that any of the  
16 individuals were convicted based upon studies conducted on glyphosate or glyphosate-based  
17 herbicides.

18           32. In response to the allegations in paragraph 32, Monsanto admits that it – along  
19 with numerous other private companies – hired Craven Laboratories as an independent  
20 laboratory to conduct residue studies for Monsanto agricultural products. Monsanto admits that  
21 it was defrauded by Craven Laboratories and that, as a result, Monsanto repeated the studies  
22 conducted at Craven Laboratories at a substantial cost. To the extent that the allegations in  
23 paragraph 32 are intended to suggest that Monsanto was anything other than a victim of this  
24 fraud, such allegations are denied.

25           33. Monsanto denies the allegations in paragraph 33.

26           34. In response to the allegations in paragraph 34, Monsanto admits that Roundup<sup>®</sup> -  
27 branded products are highly valued by its customers because of their efficacy and safety.  
28



1 Monsanto also admits that the patent for glyphosate expired in the United States in 2000. The  
2 remaining allegations in paragraph 34 are vague and conclusory and comprise attorney  
3 characterizations and are accordingly denied.

4 35. In response to the allegations in paragraph 35, Monsanto admits that following the  
5 development of Roundup<sup>®</sup> Ready seeds, it began to sell them in the 1990s and that such seeds  
6 are now widely used by farmers in the United States and worldwide. Monsanto lacks  
7 information or knowledge sufficient to form a belief as to the accuracy of the specific numbers  
8 cited in paragraph 35 and accordingly denies those allegations. The remaining allegations in  
9 paragraph 35 are vague and conclusory and comprise attorney characterizations and are  
10 accordingly denied.

11 36. In response to the allegations in paragraph 36, Monsanto admits that glyphosate is  
12 one of the world's largest herbicides by sales volume, but Monsanto denies any suggestion that it  
13 is the only company that sells glyphosate or glyphosate-based herbicides. Monsanto lacks  
14 information or knowledge sufficient to form a belief as to the accuracy of the specific numbers  
15 cited in paragraph 36 and accordingly denies the same. The remaining allegations in paragraph  
16 36 are vague and conclusory and comprise attorney characterizations and are accordingly denied.

17 37. In response to the allegations in paragraph 37, Monsanto admits that the New  
18 York Attorney General filed a lawsuit against Monsanto in 1996 alleging false and misleading  
19 advertising of Roundup<sup>®</sup>-branded products. This lawsuit was subsequently resolved without any  
20 admission of wrongdoing by Monsanto. Monsanto states that none of the New York Attorney  
21 General's allegations related in any way to a purported or alleged risk of cancer. To the extent  
22 the subparts purport to quote a document, the document speaks for itself and thus does not  
23 require any further answer. The remaining allegations in paragraph 37 are vague and conclusory  
24 and comprise attorney characterizations and are accordingly denied.

25 38. In response to the allegations in paragraph 38, Monsanto admits it entered into an  
26 assurance of discontinuance with the New York Attorney General. The assurance speaks for  
27

28

1 itself and thus does not require any further answer. The remaining allegations in paragraph 38  
2 are vague and conclusory and comprise attorney characterizations and are accordingly denied.

3 39. Monsanto denies the allegations in paragraph 39.

4 40. In response to the allegations in paragraph 40, Monsanto admits that the French  
5 court ruled that Monsanto had falsely advertised its herbicide Roundup<sup>®</sup> as “biodegradable” and  
6 that it “left the soil clean,” but denies the allegations in paragraph 40 to the extent that they  
7 suggest that this ruling was in any way related to plaintiff’s claim here that glyphosate can cause  
8 cancer. Monsanto denies the remaining allegations in paragraph 40.

9 41. In response to the allegations in paragraph 41, Monsanto denies that IARC  
10 follows stringent procedures for the evaluation of a chemical agent. Monsanto lacks information  
11 or knowledge sufficient to form a belief as to the accuracy of the specific numbers cited in  
12 paragraph 41, which are not limited as of any specified date, and accordingly denies the same.

13 42. In response to the allegations in paragraph 42, Monsanto admits that IARC sets  
14 forth in its Preamble the procedures that it claims to follow in its carcinogenicity evaluations.  
15 Monsanto denies the remaining allegations in paragraph 42.

16 43. Monsanto denies any suggestion that IARC reviewed the full body of scientific  
17 research in conducting its evaluation of glyphosate or that IARC reliably reviewed the studies  
18 that it cited in its glyphosate monograph. Monsanto lacks information or knowledge sufficient to  
19 form a belief as to the truth of the remaining allegations in paragraph 43 and therefore denies  
20 those allegations.

21 44. Monsanto denies any suggestion that IARC reviewed the full body of scientific  
22 research in conducting its evaluation of glyphosate or that IARC reliably reviewed the studies  
23 that it cited in its glyphosate monograph. Monsanto lacks information or knowledge sufficient to  
24 form a belief as to the truth of the remaining allegations in paragraph 44 and therefore denies  
25 those allegations.

1           45.     Monsanto denies the allegations in paragraph 45 to the extent that they suggest  
2 that IARC had previously assessed glyphosate. Monsanto admits that IARC classified  
3 glyphosate as a Group 2A agent in March 2015.

4           46.     In response to the allegations in paragraph 46, Monsanto admits that IARC issued  
5 its monograph for glyphosate, Monograph 112, on July 29, 2015, and that a draft of the  
6 monograph was prepared by a “working group” of individuals selected by IARC who met over a  
7 one-week period in March 2015 to consider glyphosate along with a number of other substances.  
8 Monsanto denies the allegation that all members of the working groups are “experts.” Monsanto  
9 denies that the working group or anyone at IARC conducted a one-year review of the scientific  
10 evidence related to glyphosate or that the working group’s findings reflected a comprehensive  
11 review of the latest available scientific evidence. Monsanto also denies that the working group  
12 considered all information available in the scientific literature and all data from government  
13 reports that are publicly available. Monsanto denies the remaining allegations in paragraph 46.

14           47.     In response to the allegations in paragraph 47, Monsanto denies that the IARC  
15 working group considered all of the data in the numerous studies that have been conducted  
16 looking at the safety of glyphosate and glyphosate-containing herbicides in human populations or  
17 that it reliably considered the studies that it purports to have reviewed, which frequently reach  
18 conclusions directly contrary to those espoused by the IARC working group. To the extent the  
19 allegations purport to characterize statements made in the IARC monograph for glyphosate, the  
20 statements in that document speak for themselves, but Monsanto lacks information or knowledge  
21 sufficient to form a belief as to the accuracy of the source of said information and accordingly  
22 denies the allegations.

23           48.     The allegations in paragraph 48 are vague and conclusory. To the extent they  
24 purport to characterize statements made in the IARC monograph for glyphosate, the statements  
25 in that document speak for themselves, but Monsanto lacks information or knowledge sufficient  
26 to form a belief as to the accuracy of the source of said information and accordingly denies the  
27 allegations.

28

1           49.     In response to the allegations in paragraph 49, to the extent the allegations purport  
2 to characterize statements made in the IARC monograph for glyphosate, the statements in that  
3 document speak for themselves, but to the extent that this paragraph means that more than *de*  
4 *minimis* amounts of exposure are present, Monsanto denies the allegations in paragraph 49.

5           50.     In response to the allegations in paragraph 50, Monsanto admits that the IARC  
6 working group identified a number of case control studies of populations with exposures to  
7 glyphosate, but Monsanto denies that any of these studies provide any evidence of a human  
8 health concern from such exposures.

9           51.     Monsanto denies the allegations in paragraph 51. The IARC working group  
10 concluded that there was only limited evidence of carcinogenicity in epidemiologic studies,  
11 which, per IARC's guidelines, means that the working group could not rule out chance, bias or  
12 confounding so as to reach any conclusion of an increased risk.

13           52.     In response to the allegations in paragraph 52, Monsanto admits that the working  
14 group cited to a study that it concluded provided evidence of chromosomal damage in  
15 community residents reported to be exposed to glyphosate, but Monsanto denies that the study  
16 supports such a conclusion or that the authors of the study reached such a conclusion.

17           53.     In response to the allegations in paragraph 53, Monsanto admits that the IARC  
18 working group purported to make these findings, but denies that the animal carcinogenicity  
19 studies of glyphosate in the aggregate provide evidence of a positive trend for or increase in any  
20 of the identified tumors. Monsanto further states that regulatory agencies around the world have  
21 reviewed the same animal studies and concluded that they do not provide evidence that  
22 glyphosate can cause cancer. Monsanto denies the remaining allegations in paragraph 53.

23           54.     In response to the allegations in paragraph 54, Monsanto admits that the IARC  
24 working group purported to make these findings, but denies that the cited studies provide any  
25 reliable basis for a finding that any meaningful levels of glyphosate or AMPA are present or  
26 persists in human blood or urine. Monsanto denies the remaining allegations in paragraph 54.

27  
28

1           55.     In response to the allegations in paragraph 55, Monsanto admits that the IARC  
2 working group interpreted a selected number of experimental studies as evidence that glyphosate  
3 can cause genotoxicity, but Monsanto denies that the working group reliably considered the full  
4 body of scientific data on such alleged genotoxic endpoints and denies that the working group  
5 reliably interpreted the studies that it selected for consideration. Regulators around the world  
6 repeatedly have concluded that glyphosate is not genotoxic. Monsanto denies the remaining  
7 allegations in paragraph 55.

8           56.     In response to the allegations in paragraph 56, Monsanto admits that the IARC  
9 working group purported to find such effects, but denies that there is any reliable scientific basis  
10 for such conclusion. Monsanto denies the remaining allegations in paragraph 56.

11           57.     In response to the allegations in paragraph 57, Monsanto admits that the working  
12 group reviewed the findings of an Agricultural Health Study (“AHS”) published in 2005, but  
13 denies that the working group characterized that study as supporting an association between  
14 glyphosate and the specified cancers. The AHS cohort study did not find a positive association  
15 between glyphosate and any type of cancer. Monsanto denies all other allegations in paragraph  
16 57.

17           58.     In response to the allegations in paragraph 58, Monsanto admits that EPA has a  
18 technical fact sheet, as part of its Drinking Water and Health, National Primary Drinking Water  
19 regulations, relating to glyphosate that predates the IARC March 20, 2015 evaluation, which  
20 should be read in context of EPA’s precautionary regulatory mandate and EPA’s consistent  
21 finding that glyphosate does not pose any cancer risk to humans.

22           59.     In response to the allegations in paragraph 59, Monsanto admits that the  
23 Northwest Coalition for Alternatives to Pesticides made the identified claims, but denies that the  
24 Coalition provides any reliable basis for any conclusions regarding potential health risks from  
25 glyphosate. Monsanto notes that a federal district court has characterized this same publication  
26 as an “advocacy piece[] published in [a] non-peer-reviewed journal.” *See Arias v. DynCorp*, 928  
27 F. Supp. 10, 24 (D.D.C. 2013).

28

1           60.     Monsanto states that the term “toxic” as used in paragraph 60 is vague and  
2 ambiguous to the extent it is intended to suggest any evidence of carcinogenicity. Monsanto  
3 denies the allegations in paragraph 60.

4           61.     In response to the allegations in paragraph 61, Monsanto admits that Julie Marc  
5 published the cited study in 2002 and states that the document speaks for itself and does not  
6 require a response. To the extent that a response is deemed required, Monsanto denies the  
7 allegations in paragraph 61.

8           62.     In response to the allegations in the first sentence of paragraph 62, Monsanto  
9 admits that Julie Marc published a study titled “Glyphosate-based pesticides affect cell cycle  
10 regulation” in 2004. To the extent that the first sentence of paragraph 62 characterizes the  
11 meaning of the cited study, Monsanto denies the allegations in the first sentence of paragraph 62.  
12 In response to the remaining allegations in paragraph 62, Monsanto states that the document  
13 speaks for itself and does not require a response. To the extent that a response is deemed  
14 required, Monsanto denies the remaining allegations in paragraph 62.

15           63.     In response to the allegations in paragraph 63, Monsanto states that the cited  
16 document speaks for itself and does not require a response. To the extent that paragraph 63  
17 characterizes the meaning of the cited study, Monsanto denies the remaining allegations in  
18 paragraph 63.

19           64.     In response to the allegations in paragraph 64, Monsanto states that the cited  
20 document speaks for itself and does not require a response. To the extent that paragraph 64  
21 characterizes the meaning of the cited study, Monsanto denies the allegation that the cited studies  
22 support the allegation that glyphosate or Roundup<sup>®</sup>-branded products pose any risk to human  
23 health and denies the remaining allegations in paragraph 64.

24           65.     In response to the allegations in paragraph 65, Monsanto states that the terms “at  
25 all times” and “these studies” are vague and ambiguous, and therefore Monsanto denies those  
26 allegations. Monsanto denies the remaining allegations in paragraph 65.

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1           66.     In response to the allegations in paragraph 66, Monsanto admits that the IARC  
2 working group’s classification of glyphosate as a Class 2A carcinogen has resulted in ongoing  
3 discussions in certain countries regarding the sale of glyphosate-based herbicides, including the  
4 Netherlands. Monsanto denies that any final conclusion has been reached in these countries and  
5 denies that there is any scientific basis for the concerns raised by the improper IARC  
6 classification. Monsanto denies the remaining allegations in paragraph 66.

7           67.     In response to the allegations in paragraph 67, Monsanto admits that the IARC  
8 working group classification led an individual government attorney in Brazil to write a letter to  
9 the Brazilian regulatory authorities requesting a reevaluation of glyphosate. Monsanto denies the  
10 remaining allegations in paragraph 67.

11          68.     In response to the allegations in paragraph 68, Monsanto admits that following the  
12 IARC working group classification, in France, all non-professional plant protection products,  
13 including but not limited to glyphosate-based products, will be sold behind locked counters (no  
14 free sales). Monsanto further admits that the French government has announced that, beginning  
15 on January 1, 2019, the sale of non-professional lawn and garden products, including but not  
16 limited to non-professional use glyphosate-based products, will be prohibited with certain  
17 exceptions. Monsanto denies the remaining allegations in paragraph 68.

18          69.     In response to the allegations in paragraph 69, Monsanto admits that some  
19 employees of Bermuda’s government announced an intention to suspend the importation of  
20 glyphosate-based herbicides, but Monsanto lacks information sufficient to form a belief as to the  
21 truth of the allegations about whether this suspension took effect and accordingly denies the  
22 same. Monsanto denies the remaining allegations in paragraph 69.

23          70.     In response to the allegations in paragraph 70, Monsanto admits that the IARC  
24 monograph appears to be the alleged basis for the Sri Lankan government’s actions, including  
25 the allegation that glyphosate can cause kidney disease. Monsanto further states that the  
26 allegations regarding kidney disease found in Sri Lanka are unrelated to plaintiff’s allegations  
27 regarding claimed carcinogenicity. Monsanto denies the remaining allegations in paragraph 70.

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1           71. In response to the allegations in paragraph 71, Monsanto denies the alleged basis  
2 for Colombia’s suspension of aerial spraying of glyphosate. Colombia’s attorney general has  
3 explained that the ban on aerial spraying of illicit coca plantations was a concession to the FARC  
4 (“Fuerzas Armadas Revolucionarias de Colombia”), and had nothing to do with alleged safety  
5 concerns. As of April 2016, the government of Colombia has resumed manual application of  
6 glyphosate on illicit coca crops. A federal district court in the United States excluded plaintiffs’  
7 expert testimony purporting to link these same aerial eradication operations with cancer as  
8 scientifically unreliable. *See Arias v. DynCorp*, 928 F. Supp. 10 (D.D.C. 2013). Monsanto  
9 denies the remaining allegations in paragraph 71.

10           72. In response to the allegations in paragraph 72, Monsanto admits that the  
11 California Office of Environmental Health Hazard Assessment (“OEHHA”) decided that it was  
12 required to add glyphosate to California’s Proposition 65 list of chemicals in a process that  
13 OEHHA itself considers “ministerial” and “automatic” without any role for consideration of the  
14 weight or quality of the evidence considered by IARC. Monsanto further states that this decision  
15 was not based upon any independent scientific analysis of glyphosate but instead was in response  
16 to a provision of a California ballot proposition triggering such action based solely upon the  
17 IARC classification, and indeed was contrary to OEHHA’s own conclusion in 2007, based upon  
18 its own independent evaluation of the same scientific evidence, that glyphosate is “unlikely to  
19 pose a cancer hazard to humans.”<sup>3</sup> Monsanto contends that OEHHA’s decision that it was  
20 required to list glyphosate violates the United States Constitution and the California Constitution;  
21 Monsanto has sued to block OEHHA’s action and is currently engaged in briefing on this issue  
22 before the California Court of Appeal. The remaining allegations set forth conclusions of law for  
23 which no response is required. To the extent that a response is deemed required, Monsanto  
24 denies the allegations in paragraph 72.

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27 <sup>3</sup> OEHHA, *Public Health Goal for Glyphosate in Drinking Water* (June 2007),  
[https://oehha.ca.gov/media/downloads/water/chemicals/phg/glyphg062907\\_0.pdf](https://oehha.ca.gov/media/downloads/water/chemicals/phg/glyphg062907_0.pdf).





1 that the European scientists who reached these determinations were acting independently of  
2 Monsanto and were acting to protect the public.

3 78. In response to the allegations in paragraph 78, Monsanto denies that “industry  
4 groups” were afforded any ability to review the RAR beyond that afforded to the public  
5 generally. Monsanto otherwise admits the allegations in paragraph 78.

6 79. Monsanto admits the allegations in paragraph 79.

7 80. In response to the allegations in paragraph 80, Monsanto states that the cited  
8 document speaks for itself and does not require a response. Monsanto denies the allegations in  
9 paragraph 80 to the extent that they purport to set forth all of the distinctions identified by EFSA  
10 between its evaluation and the evaluation of the IARC working group. Monsanto states that in  
11 the same document cited by plaintiff, EFSA states that, in contrast to IARC, “the EU peer review  
12 concluded that no significant increase in tumour incidence could be observed in any of the  
13 treated groups of animals in the nine long term rat studies considered” and explains that “[a]s  
14 well as reviewing a larger number of studies [than IARC], EFSA for example considered that  
15 carcinogenic effects observed at high doses were unreliable as they could be related to general  
16 toxicity.”<sup>6</sup> To the extent that paragraph 80 characterizes the meaning of the cited studies,  
17 Monsanto denies the remaining allegations in paragraph 80.

18 81. In response to the allegations in paragraph 81, Monsanto states that the cited  
19 document speaks for itself and does not require a response.

20 82. In response to the allegations in paragraph 82, Monsanto admits that EFSA set  
21 acceptable exposure thresholds for glyphosate that are orders of magnitude higher than those  
22 which occur in the ordinary use of glyphosate-based herbicides. Monsanto denies that these  
23 exposure thresholds are based upon any alleged risk of carcinogenicity.

24 83. In response to the allegations in paragraph 83, Monsanto admits that certain  
25 individuals, including Dr. Christopher Portier, sent the letter identified in paragraph 83

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27 <sup>6</sup> EFSA, *EFSA Explains Risk Assessment Glyphosate*, [http://www.efsa.europa.eu/sites/default/files/corporate\\_publications/files/efsaexplainsglyphosate151112en.pdf](http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/efsaexplainsglyphosate151112en.pdf).

1 (hereinafter, “the Portier letter”). Monsanto denies that Dr. Portier or the other signatories to his  
2 letter are “independent” and “renowned international experts in the field.” Monsanto states that  
3 Dr. Portier has been disclosed as an expert witness retained by plaintiffs’ counsel in the  
4 glyphosate cancer litigation against Monsanto. Monsanto otherwise admits that this letter urged  
5 the EU Health Commissioner to disregard the scientific findings reached by EFSA and by the  
6 BfR.

7 84. In response to the allegations in paragraph 84, Monsanto admits that Dr. Portier  
8 sent the letter identified in paragraph 84. Monsanto denies that Dr. Portier or the other  
9 signatories to his letter are “renowned international experts in the field.” Monsanto admits that  
10 certain members of the IARC working group assigned to glyphosate signed on to the Portier  
11 letter, but states that Monsanto lacks information or knowledge sufficient to form a belief as to  
12 whether those individuals or the other signatories were aware at the time that Dr. Portier was  
13 working as a consultant for plaintiffs’ counsel.

14 85. In response to the allegations in paragraph 85, Monsanto states that the cited  
15 Portier letter speaks for itself and does not require a response. Monsanto further admits that Dr.  
16 Portier – who has been disclosed as an expert witness retained by plaintiffs’ counsel in the  
17 glyphosate cancer litigation against Monsanto – seeks in his letter to challenge the scientific  
18 conclusions reached by EFSA in support of its finding that “glyphosate is unlikely to pose a  
19 carcinogenic hazard to humans.”<sup>7</sup> To the extent that paragraph 85 characterizes the meaning of  
20 the cited document or of EFSA’s evaluation of glyphosate, Monsanto denies the remaining  
21 allegations in paragraph 85.

22 86. In response to the allegations in paragraph 86, Monsanto admits that IARC  
23 concluded that the human epidemiologic data provides only “limited evidence of  
24 carcinogenicity,” which IARC defines as meaning that “chance, bias, or confounding could not  
25 be ruled out with reasonable confidence.”<sup>8</sup> Monsanto further admits that Dr. Portier – who has

26 <sup>7</sup> See EFSA, *Glyphosate: EFSA updates toxicological profile*, <http://www.efsa.europa.eu/en/press/news/151112>.

27 <sup>8</sup> <http://monographs.iarc.fr/ENG/Preamble/currentb6evalrationale0706.php>.

1 been disclosed as an expert witness retained by plaintiffs’ counsel in the glyphosate cancer  
2 litigation against Monsanto – seeks in his letter to challenge the scientific conclusions reached by  
3 EFSA in support of its finding that “glyphosate is unlikely to pose a carcinogenic hazard to  
4 humans.”<sup>9</sup> In response to the remaining allegations in paragraph 86, Monsanto states that the  
5 cited Portier letter speaks for itself and does not require a response. To the extent that paragraph  
6 86 characterizes the meaning of the cited document or of EFSA’s evaluation of glyphosate,  
7 Monsanto denies the remaining allegations in paragraph 86.

8 87. In response to the allegations in paragraph 87, Monsanto states that the cited  
9 Portier letter speaks for itself and does not require a response. Monsanto further admits that Dr.  
10 Portier – who has been disclosed as an expert witness retained by plaintiffs’ counsel in the  
11 glyphosate cancer litigation against Monsanto – seeks in his letter to challenge the scientific  
12 conclusions reached by EFSA in support of its finding that “glyphosate is unlikely to pose a  
13 carcinogenic hazard to humans.”<sup>10</sup> To the extent that paragraph 87 characterizes the meaning of  
14 the cited document or of EFSA’s and BfR’s evaluation of glyphosate, Monsanto denies the  
15 remaining allegations in paragraph 87.

16 88. In response to the allegations in paragraph 88, Monsanto states that the cited  
17 Portier letter speaks for itself and does not require a response. Monsanto further admits that Dr.  
18 Portier – who has been disclosed as an expert witness retained by plaintiffs’ counsel in the  
19 glyphosate cancer litigation against Monsanto – seeks in his letter to challenge the scientific  
20 conclusions reached by EFSA in support of its finding that “glyphosate is unlikely to pose a  
21 carcinogenic hazard to humans.”<sup>11</sup> To the extent that paragraph 88 characterizes the meaning of  
22 the cited document or of EFSA’s and BfR’s evaluation of glyphosate, Monsanto denies the  
23 remaining allegations in paragraph 88.

24 <sup>9</sup> See EFSA, *Glyphosate: EFSA updates toxicological profile*, <http://www.efsa.europa.eu/en/press/news/151112>.

25 <sup>10</sup> See EFSA, *Glyphosate: EFSA updates toxicological profile*, <http://www.efsa.europa.eu/en/press/news/151112>.

26 <sup>11</sup> See EFSA, *Glyphosate: EFSA updates toxicological profile*, <http://www.efsa.europa.eu/en/press/news/151112>.

1           89.     Monsanto admits the allegations in paragraph 89.

2           90.     In response to the allegations in paragraph 90, Monsanto states that the cited  
3 document speaks for itself and does not require a response. Monsanto denies that the self-  
4 labeled “consensus statement” represents the view of any consensus of scientific opinion. To the  
5 extent that paragraph 90 characterizes the scientific evidence regarding the safety of glyphosate-  
6 based herbicides, Monsanto denies the remaining allegations in paragraph 90.

7           91.     In response to the allegations in paragraph 91, Monsanto states that the cited  
8 document speaks for itself and does not require a response. Monsanto denies that the self-  
9 labeled “consensus statement” represents the view of any consensus of scientific opinion. To the  
10 extent that paragraph 91 characterizes the scientific evidence regarding the safety of glyphosate-  
11 based herbicides, Monsanto denies the remaining allegations in paragraph 91.

12           92.     In response to the allegations in paragraph 92, Monsanto states that the cited  
13 document speaks for itself and does not require a response. Monsanto denies that the self-  
14 labeled “consensus statement” represents the view of any consensus of scientific opinion. To the  
15 extent that paragraph 92 characterizes the scientific evidence regarding the safety of glyphosate-  
16 based herbicides, Monsanto denies the remaining allegations in paragraph 92.

17           93.     In response to the allegations in paragraph 93, Monsanto states that the cited  
18 document speaks for itself and does not require a response. Monsanto denies that the self-  
19 labeled “consensus statement” represents the view of any consensus of scientific opinion. To the  
20 extent that paragraph 93 characterizes the scientific evidence regarding the safety of glyphosate-  
21 based herbicides, Monsanto denies the remaining allegations in paragraph 93.

22           94.     In response to the allegations in paragraph 94, Monsanto states that the cited  
23 document speaks for itself and does not require a response. Monsanto denies that the self-  
24 labeled “consensus statement” represents the view of any consensus of scientific opinion. To the  
25 extent that paragraph 94 characterizes the scientific evidence regarding the safety of glyphosate-  
26 based herbicides, Monsanto denies the remaining allegations in paragraph 94.

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1           95.     In response to the allegations in paragraph 95, Monsanto states that the cited  
2 document speaks for itself and does not require a response. Monsanto denies that the self-  
3 labeled “consensus statement” represents the view of any consensus of scientific opinion. To the  
4 extent that paragraph 95 characterizes the scientific evidence regarding the safety of glyphosate-  
5 based herbicides, Monsanto denies the remaining allegations in paragraph 95.

6           96.     In response to the allegations in paragraph 96, Monsanto states that the cited  
7 document speaks for itself and does not require a response. Monsanto denies that the self-  
8 labeled “consensus statement” represents the view of any consensus of scientific opinion. To the  
9 extent that paragraph 96 characterizes the scientific evidence regarding the safety of glyphosate-  
10 based herbicides, Monsanto denies the remaining allegations in paragraph 96.

11           97.     In response to the allegations in paragraph 97, Monsanto admits that the United  
12 States Food and Drug Administration (“FDA”) has authority to enforce pesticide residues and  
13 that the FDA announced it would begin testing certain foods for glyphosate residues. In  
14 response to the remaining allegations in paragraph 97, Monsanto states that the cited documents  
15 speak for themselves and do not require a response.

16           98.     In response to the allegations in paragraph 98, Monsanto admits that the U.S.  
17 Government Accountability Office (“GAO”) issued the cited report regarding pesticide residue  
18 monitoring programs, but Monsanto denies that the GAO report was limited to glyphosate. In  
19 response to the remaining allegations in paragraph 98, Monsanto states that the cited documents  
20 speak for themselves and do not require a response. To the extent that paragraph 98  
21 characterizes the meaning of the cited documents, Monsanto denies the remaining allegations in  
22 paragraph 98.

23           99.     In response to the allegations in paragraph 99, Monsanto admits that the FDA has  
24 authority to enforce pesticide residues and that the FDA announced it would begin testing certain  
25 foods for glyphosate residues. In response to the remaining allegations in paragraph 99,  
26 Monsanto states that the cited documents speak for themselves and do not require a response. To  
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1 the extent that paragraph 99 characterizes the meaning of the cited documents, Monsanto denies  
2 the remaining allegations in paragraph 99.

3 100. In response to the allegations in paragraph 100, Monsanto admits that the FDA  
4 has authority to enforce pesticide residues and that the FDA announced it would begin testing  
5 certain foods for glyphosate residues. In response to the remaining allegations in paragraph 100,  
6 Monsanto states that the cited documents speak for themselves and do not require a response. To  
7 the extent that paragraph 100 characterizes the meaning of the cited documents, Monsanto denies  
8 the remaining allegations in paragraph 100.

9 101. Monsanto admits the allegations in paragraph 101.

10 102. In response to the allegations in paragraph 102, Monsanto states that the cited  
11 document speaks for itself and does not require a response.

12 103. In response to the allegations in paragraph 103, Monsanto lacks information or  
13 knowledge sufficient to form a belief as to whether each of the individuals at the referenced  
14 meeting were “experts” and therefore denies that allegation. Monsanto admits the remaining  
15 allegations in paragraph 103.

16 104. In response to the allegations in paragraph 104, Monsanto states that the cited  
17 document speaks for itself and does not require a response. To the extent that paragraph 104  
18 characterizes the meaning of the cited document, Monsanto denies the remaining allegations in  
19 paragraph 104.

20 105. In response to the allegations in paragraph 105, Monsanto states that the cited  
21 document speaks for itself and does not require a response. To the extent that paragraph 105  
22 characterizes the meaning of the cited document, Monsanto denies the remaining allegations in  
23 paragraph 105.

24 106. Monsanto admits the allegations in paragraph 106.

25 107. Monsanto admits the allegations in paragraph 107.

26 108. Monsanto admits the allegations in paragraph 108.

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1           117. In response to the allegations in paragraph 117, Monsanto denies that exposure to  
2 Roundup<sup>®</sup>-branded products and glyphosate is injurious to human health. Monsanto states,  
3 however, that the scientific studies upon which IARC purported to base its cancer classification  
4 for glyphosate were all publicly available before March 2015. The allegations in paragraph 117  
5 set forth conclusions of law for which no response is required.

6           118. In response to the allegations in paragraph 118, Monsanto denies that there is any  
7 risk of NHL or other serious illness associated with the use of and/or exposure to Roundup<sup>®</sup>-  
8 branded products and glyphosate. Monsanto states, however, that the scientific studies upon  
9 which IARC purported to base its cancer classification for glyphosate were all publicly available  
10 before March 2015. Monsanto lacks information or knowledge sufficient to form a belief as to  
11 the truth of the remaining allegations in paragraph 118 and therefore denies those allegations.

12           119. The allegations in paragraph 119 set forth conclusions of law for which no  
13 response is required. To the extent that a response is deemed required, Monsanto denies the  
14 allegations in paragraph 119. Monsanto states that the scientific studies upon which IARC  
15 purported to base its cancer classification for glyphosate were all publicly available before  
16 March 2015.

17           120. In response to the allegations in paragraph 120, Monsanto denies that it concealed  
18 any facts related to the human health safety of glyphosate. The remaining allegations in  
19 paragraph 120 set forth conclusions of law for which no response is required.

20           121. Monsanto denies the allegations in paragraph 121.

21           122. Monsanto denies the allegations in paragraph 122.

22           123. The allegations in paragraph 123 set forth conclusions of law for which no  
23 response is required.

24           124. Monsanto denies the allegations in paragraph 124.

25           125. The allegations in paragraph 125 set forth conclusions of law for which no  
26 response is required. To the extent that a response is required, Monsanto denies the allegations  
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1 in paragraph 125. Monsanto states that the scientific studies upon which IARC purported to base  
2 its cancer classification for glyphosate were all publicly available before March 2015.

3 126. Monsanto incorporates by reference its responses to paragraphs 1 through 125 in  
4 response to paragraph 126 of plaintiff's Complaint.

5 127. In response to the allegations in paragraph 126, Monsanto admits that plaintiff  
6 purports to bring claims for strict liability but denies any liability to plaintiff.

7 128. In response to the allegations in paragraph 127, Monsanto lacks information or  
8 knowledge sufficient to form a belief as to the truth of the allegation that plaintiff used  
9 Roundup®-branded products and therefore denies that allegation. Monsanto denies the  
10 remaining allegations in paragraph 127.

11 129. In response to the allegations in paragraph 128, Monsanto lacks information or  
12 knowledge sufficient to form a belief as to the truth of the allegations that plaintiff used or was  
13 exposed to Roundup®-branded products and therefore denies those allegations. Monsanto denies  
14 the remaining allegations in paragraph 128.

15 130. Monsanto denies the allegations in paragraph 130.

16 131. Monsanto lacks information or knowledge sufficient to form a belief as to the  
17 truth of the allegations in paragraph 131 and therefore denies those allegations.

18 132. Monsanto denies the allegations in paragraph 132.

19 133. Monsanto denies the allegations in paragraph 133.

20 134. Monsanto denies the allegations in paragraph 134 and each of its subparts.

21 135. Monsanto lacks information or knowledge sufficient to form a belief as to the  
22 truth of the allegations in paragraph 135 concerning plaintiff's claimed use of or exposure to  
23 Roundup®-branded products and therefore denies those allegations. Monsanto denies the  
24 remaining allegations in paragraph 135, including that Roundup®-branded products have  
25 "dangerous characteristics."

26 136. Monsanto denies the allegations in paragraph 136.

27 137. Monsanto denies the allegations in paragraph 137.

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1 138. Monsanto denies the allegations in paragraph 138.

2 139. Monsanto denies the allegations in paragraph 139.

3 140. Monsanto denies the allegations in paragraph 140.

4 141. Monsanto denies the allegations in paragraph 141.

5 142. Monsanto denies the allegations in paragraph 142.

6 In response to the “WHEREFORE” paragraph following paragraph 142, Monsanto  
7 demands that judgment be entered in its favor and against plaintiff; that plaintiff’s Complaint be  
8 dismissed, with prejudice; and that Monsanto be awarded costs of suit and reasonable attorney’s  
9 fees as allowed by law and such further and additional relief as this Court may deem just and  
10 proper.

11 143. Monsanto incorporates by reference its responses to paragraphs 1 through 142 in  
12 response to paragraph 143 of plaintiff’s Complaint.

13 144. In response to the allegations in paragraph 144, Monsanto admits that plaintiff  
14 purports to bring claims for strict liability failure to warn, but denies any liability to plaintiff.

15 145. Monsanto denies the allegations in paragraph 145.

16 146. In response to the allegations in paragraph 146, Monsanto lacks information or  
17 knowledge sufficient to form a belief as to the truth of the allegations that plaintiff or other  
18 persons or entities purchased Roundup<sup>®</sup>-branded products and therefore denies those allegations.  
19 The allegations in paragraph 146 also set forth conclusions of law for which no response is  
20 required. Monsanto denies the remaining allegations in paragraph 146.

21 147. The allegations in paragraph 147 set forth conclusions of law for which no  
22 response is required.

23 148. Monsanto denies the allegations in paragraph 148. All labeling of Roundup<sup>®</sup>-  
24 branded products has been and remains EPA-approved and in compliance with all federal  
25 requirements under FIFRA.

26 149. Monsanto denies the allegations in paragraph 149.

27 150. Monsanto denies the allegations in paragraph 150.

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1           151. Monsanto denies the allegations in paragraph 151.

2           152. Monsanto lacks information or knowledge sufficient to form a belief as to the  
3 truth of the allegations in paragraph 152 and therefore denies those allegations.

4           153. Monsanto lacks information or knowledge sufficient to form a belief as to the  
5 truth of the allegations in paragraph 153 concerning plaintiff’s claimed use of and exposure to  
6 Roundup<sup>®</sup>-branded products and therefore denies those allegations. Monsanto denies the  
7 remaining allegations in paragraph 153, including that Roundup<sup>®</sup>-branded products have  
8 “dangerous characteristics.”

9           154. Monsanto lacks information or knowledge sufficient to form a belief as to the  
10 truth of the allegations in the final sentence of paragraph 154 and therefore denies those  
11 allegations. Monsanto denies the remaining allegations in paragraph 154. Monsanto states,  
12 however, that the scientific studies upon which IARC purported to base its evaluation of  
13 glyphosate were all publicly available before March 2015.

14           155. Monsanto denies the allegations in paragraph 155.

15           156. Monsanto denies the allegations in paragraph 156.

16           157. Monsanto denies the allegations in paragraph 157.

17           158. Monsanto denies the allegations in paragraph 158.

18           159. Monsanto denies the allegations in paragraph 159.

19           160. Monsanto denies the allegations in paragraph 160.

20           161. Monsanto denies the allegations in paragraph 161. All labeling of Roundup<sup>®</sup>-  
21 branded products has been and remains EPA-approved and in compliance with all federal  
22 requirements under FIFRA.

23           162. Monsanto denies the allegations in paragraph 162.

24           In response to the “WHEREFORE” paragraph following paragraph 162, Monsanto  
25 demands that judgment be entered in its favor and against plaintiff; that plaintiff’s Complaint be  
26 dismissed, with prejudice; and that Monsanto be awarded costs of suit and reasonable attorney’s  
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1 fees as allowed by law and such further and additional relief as this Court may deem just and  
2 proper.

3 163. Monsanto incorporates by reference its responses to paragraphs 1 through 162 in  
4 response to paragraph 163 of plaintiff's Complaint.

5 164. In response to the allegations in paragraph 164, Monsanto states that the phrase  
6 "directly or indirectly" is vague and ambiguous and that Monsanto lacks information or  
7 knowledge sufficient to form a belief as to the truth of those allegations and therefore Monsanto  
8 denies those allegations.

9 165. Monsanto lacks information or knowledge sufficient to form a belief as to the  
10 truth of the allegations in paragraph 165 and therefore denies those allegations.

11 166. The allegations in paragraph 166 set forth conclusions of law for which no  
12 response is required.

13 167. The allegations in paragraph 167 set forth conclusions of law for which no  
14 response is required.

15 168. Monsanto denies the allegations in paragraph 168.

16 169. Monsanto denies the allegations in paragraph 169.

17 170. Monsanto denies the allegations in paragraph 170.

18 171. Monsanto denies the allegations in paragraph 171.

19 172. Monsanto denies the allegations in paragraph 172. All labeling of Roundup<sup>®</sup>-  
20 branded products has been and remains EPA-approved and in compliance with all federal  
21 requirements under FIFRA.

22 173. Monsanto denies the allegations in paragraph 174.

23 174. Monsanto denies the allegations in paragraph 174.

24 175. Monsanto denies the allegations in paragraph 175.

25 176. Monsanto denies the allegations in paragraph 176, including each of its subparts.

26 177. Monsanto denies the allegations in paragraph 177.

1           178. Monsanto lacks information or knowledge sufficient to form a belief as to the  
2 truth of the allegations in paragraph 178 regarding plaintiff’s knowledge and therefore denies  
3 those allegations. Monsanto denies the remaining allegations in paragraph 178, including that  
4 intended use of and/or exposure to Roundup<sup>®</sup>-branded products causes any injuries.

5           179. Monsanto denies the allegations in paragraph 179.

6           180. Monsanto denies the allegations in paragraph 180.

7           181. Monsanto denies the allegations in paragraph 181.

8           In response to the “WHEREFORE” paragraph following paragraph 181, Monsanto  
9 demands that judgment be entered in its favor and against plaintiff; that plaintiff’s Complaint be  
10 dismissed, with prejudice; and that Monsanto be awarded costs of suit and reasonable attorney’s  
11 fees as allowed by law and such further and additional relief as this Court may deem just and  
12 proper.

13           182. Monsanto incorporates by reference its responses to paragraphs 1 through 182 in  
14 response to paragraph 181 of plaintiff’s Complaint.

15           183. Monsanto denies the allegations in paragraph 183.

16           184. In response to the allegations in paragraph 184, Monsanto admits that it has sold  
17 glyphosate-based herbicides in accordance with their EPA-approved labeling. Monsanto further  
18 states that paragraph 183 sets forth conclusions of law for which no response is required.  
19 Monsanto denies the remaining allegations in paragraph 183.

20           185. Monsanto denies the allegations in the first and second sentences of paragraph  
21 185. All labeling of Roundup<sup>®</sup>-branded products has been and remains EPA-approved and in  
22 compliance with all federal requirements under FIFRA. Monsanto states that the final sentence  
23 of paragraph 185 sets forth conclusions of law for which no response is required.

24           186. Paragraph 186 sets forth conclusions of law for which no response is required.

25           187. Monsanto denies the allegations in paragraph 187.

26           188. Monsanto denies the allegations in paragraph 188 and each of its subparts.  
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1           189. The allegations in paragraph 189 set forth conclusions of law for which no  
2 response is required.

3           190. Monsanto states that the allegation in paragraph 190 that Monsanto made an  
4 express warranty sets forth a legal conclusion for which no response is required. Monsanto lacks  
5 information or knowledge sufficient to form a belief as to the truth of the remaining allegations  
6 in paragraph 190 and therefore denies those allegations.

7           191. Monsanto lacks information or knowledge sufficient to form a belief as to the  
8 truth of the allegations in paragraph 191 and therefore denies those allegations.

9           192. Monsanto denies the allegations in paragraph 192.

10           193. Monsanto lacks information or knowledge sufficient to form a belief as to the  
11 truth of the allegations in paragraph 193 regarding plaintiff's knowledge and therefore denies  
12 those allegations. Monsanto denies the remaining allegations in paragraph 193.

13           194. Monsanto lacks information or knowledge sufficient to form a belief as to the  
14 truth of the allegations in paragraph 194 and therefore denies those allegations.

15           195. Monsanto denies the allegations in paragraph 195.

16           196. Monsanto denies the allegations in paragraph 196.

17           In response to the "WHEREFORE" paragraph following paragraph 196, Monsanto  
18 demands that judgment be entered in its favor and against plaintiff; that plaintiff's Complaint be  
19 dismissed, with prejudice; and that Monsanto be awarded costs of suit and reasonable attorney's  
20 fees as allowed by law and such further and additional relief as this Court may deem just and  
21 proper.

22           197. Monsanto incorporates by reference its responses to paragraphs 1 through 196 in  
23 response to paragraph 197 of plaintiff's Complaint.

24           198. Monsanto denies the allegations in paragraph 198.

25           199. Monsanto denies the allegations in paragraph 199.

26           200. Monsanto lacks information or knowledge sufficient to form a belief as to the  
27 truth of the allegations in paragraph 200 concerning plaintiff's claimed use of and exposure to  
28

1 Roundup<sup>®</sup>-branded products and therefore denies those allegations. The remaining allegations in  
2 paragraph 200 set forth conclusions of law for which no response is required.

3 201. Monsanto denies the allegations in paragraph 201. All labeling of Roundup<sup>®</sup>-  
4 branded products has been and remains EPA-approved and in compliance with all federal  
5 requirements under FIFRA.

6 202. Monsanto lacks information or knowledge sufficient to form a belief as to the  
7 truth of the allegations in paragraph 202 regarding plaintiff's and plaintiff's employers' reliance  
8 and therefore denies those allegations. The remaining allegations in paragraph 201 set forth  
9 conclusions of law for which no response is required.

10 203. Monsanto lacks information or knowledge sufficient to form a belief as to the  
11 truth of the allegations in paragraph 203 and therefore denies those allegations.

12 204. Monsanto lacks information or knowledge sufficient to form a belief as to the  
13 truth of the allegations in paragraph 204 concerning plaintiff's claimed use of or exposure to  
14 Roundup<sup>®</sup>-branded products and therefore denies those allegations. The remaining allegations in  
15 paragraph 204 set forth conclusions of law for which no response is required.

16 205. Monsanto lacks information or knowledge sufficient to form a belief as to the  
17 truth of the allegations in paragraph 205 concerning plaintiff's claimed use of or exposure to  
18 Roundup<sup>®</sup>-branded products and therefore denies those allegations. Monsanto denies the  
19 remaining allegations in paragraph 205.

20 206. Monsanto lacks information or knowledge sufficient to form a belief as to the  
21 truth of the allegations in paragraph 206 concerning the condition of any Roundup<sup>®</sup>-branded  
22 product allegedly used by plaintiff or about plaintiff's alleged use of such product and therefore  
23 denies the allegations in paragraph 206.

24 207. Monsanto denies that there is any risk of serious injury associated with or linked  
25 to the as-directed use of and/or exposure to Roundup<sup>®</sup>-branded products and/or glyphosate.  
26 Monsanto lacks information or knowledge sufficient to form a belief as to the truth of the  
27

28



1 allegations in paragraph 207 concerning plaintiff's knowledge about Roundup<sup>®</sup>-branded  
2 products and therefore denies the remaining allegations in paragraph 206.

3 208. Monsanto denies the allegations in paragraph 208.

4 209. Monsanto denies the allegations in paragraph 209.

5 210. Monsanto denies the allegations in paragraph 210.

6 In response to the "WHEREFORE" paragraph following paragraph 210, Monsanto  
7 demands that judgment be entered in its favor and against plaintiff; that plaintiff's Complaint be  
8 dismissed, with prejudice; and that Monsanto be awarded costs of suit and reasonable attorney's  
9 fees as allowed by law and such further and additional relief as this Court may deem just and  
10 proper.

11 In response to the allegations in the section entitled "PRAYER FOR RELIEF," Monsanto  
12 denies that plaintiff is entitled to the relief sought therein, including any judgment for any  
13 damages, interest, costs, or any other relief whatsoever.

14 Every allegation in the Complaint that is not specifically and expressly admitted in this  
15 Answer is hereby specifically and expressly denied.

16 **SEPARATE AND AFFIRMATIVE DEFENSES**

17 1. The Complaint, in whole or part, fails to state a claim or cause of action against  
18 Monsanto upon which relief can be granted.

19 2. Plaintiff's claims are barred in whole because plaintiff cannot proffer any  
20 scientifically reliable evidence that the products at issue were defective or unreasonably  
21 dangerous.

22 3. Any alleged negligent or culpable conduct of Monsanto, none being admitted,  
23 was so insubstantial as to be insufficient to be a proximate or substantial contributing cause of  
24 plaintiff's alleged injuries.

25 4. Plaintiff's claims are barred, in whole or in part, because the products at issue  
26 were designed, manufactured, marketed and labeled with proper warnings, information, cautions  
27

1 and instructions, in accordance with the state of the art and the state of scientific and  
2 technological knowledge.

3 5. Plaintiff's claims are barred, in whole or in part, because the products at issue  
4 were not defective or unreasonably dangerous in that they complied with, at all relevant times,  
5 all applicable government safety standards.

6 6. Plaintiff's claims are preempted, in whole or in part, by applicable federal law  
7 relating to the design, testing, producing, manufacturing, labeling, distributing, modeling,  
8 processing, and supply of Roundup<sup>®</sup>-branded products and/or glyphosate-containing products.

9 7. Plaintiff's claims are preempted, in whole or in part, because of U.S. EPA  
10 findings that glyphosate does not cause cancer in humans and/or because of U.S. EPA-approved  
11 product labeling.

12 8. Plaintiff's claims are barred, in whole or in part, by the doctrine of primary  
13 jurisdiction, including by the authority delegated by Congress to the U.S. EPA.

14 9. Plaintiff's claims are barred, in whole or in part, because plaintiff's injuries, if  
15 any, were the result of conduct of plaintiff, independent third parties, and/or events that were  
16 extraordinary under the circumstances, not foreseeable in the normal course of events, and/or  
17 independent, intervening and superseding causes of the alleged injuries, including but not limited  
18 to plaintiff's pre-existing medical conditions.

19 10. The doctrines contained in Restatement (Second) of Torts § 402A, comments j  
20 and k, bar plaintiff's claims against Monsanto in whole or in part.

21 11. Applicable statutes of limitations, prescriptive periods, and/or repose bar  
22 plaintiff's claims in whole or in part.

23 12. Plaintiff's misuse or abnormal use of the product or failure to follow instructions  
24 bar plaintiff's claims in whole or in part.

25 13. If plaintiff suffered injury or damages as alleged, which is denied, such injury or  
26 damage resulted from: (a) acts or omissions of persons or entities for which Monsanto is neither  
27 liable nor responsible or, in the alternative, Monsanto is entitled to an assessment of the relative  
28

1 degree of fault of all such persons and entities; or (b) resulted from diseases and/or causes that  
2 are not related or connected with any product sold, distributed, or manufactured by Monsanto.  
3 Such acts or omissions on the part of others or diseases or causes constitute an independent,  
4 intervening and sole proximate cause of plaintiff's alleged injury or damages.

5 14. Monsanto had no legal relationship or privity with plaintiff and owed no duty to  
6 her by which liability could be attributed to it.

7 15. Monsanto made no warranties of any kind or any representations of any nature  
8 whatsoever to plaintiff. If any such warranties were made, which Monsanto specifically denies,  
9 then plaintiff failed to give notice of any breach thereof.

10 16. Plaintiff's claims are preempted in whole or part by the Freedom of Speech  
11 Clause of the First Amendment of the U.S. Constitution.

12 17. Plaintiff's claims for punitive and/or exemplary damages are barred because such  
13 an award would violate Monsanto's due process, equal protection and other rights under the  
14 United States Constitution, the Louisiana Constitution, and/or other applicable state  
15 constitutions.

16 18. Plaintiff's claims for punitive and/or exemplary damages are barred because  
17 plaintiff has failed to allege conduct warranting imposition of such damages under Louisiana law  
18 and/or other applicable state laws.

19 19. Plaintiff's claims for punitive and/or exemplary damages are barred and/or limited  
20 by operation of state and/or federal law, including La. R.S. 9:2800.52, *et seq.*

21 20. Plaintiff's claims are barred in whole or in part by plaintiff's own  
22 contributory/comparative negligence.

23 21. Plaintiff's claims are barred in whole or in part by plaintiff's own failure to  
24 mitigate damages.

25 22. Plaintiff's claims are barred in whole or in part by the sophisticated user doctrine.  
26  
27  
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1 23. To the extent that plaintiff recovered payments for her alleged injuries from any  
2 collateral source(s) or other source(s), plaintiff's recovery in this lawsuit, if any, shall be reduced  
3 to the extent allowed by applicable law.

4 24. If plaintiff has been injured or damaged, no injury or damages being admitted,  
5 such injuries were not caused by a Monsanto product.

6 25. Plaintiff's claims are barred or limited to the extent that plaintiff asserts claims  
7 that are governed by the laws of a state that does not recognize or limit such claims.

8 26. Plaintiff's common law claims are barred, in whole or in part, under the Louisiana  
9 Products Liability Act ("LPLA"), La. Rev. Stat. Ann § 9:2800.51 *et seq.*

10 27. Monsanto hereby gives notice that it intends to rely upon such other defenses as  
11 may become available or apparent during the course of discovery and thus reserves its right to  
12 amend this Answer to assert such defenses.

13 **WHEREFORE**, Defendant Monsanto demands judgment in its favor and against  
14 plaintiff, dismissing plaintiff's Complaint with prejudice, together with the costs of suit and such  
15 other relief as the Court deems equitable and just.

16 **JURY TRIAL DEMAND**

17 Monsanto demands a jury trial on all issues so triable.

18  
19 DATED: November 6, 2017

Respectfully submitted,

20  
21 /s/ Joe G. Hollingsworth  
22 Joe G. Hollingsworth (*pro hac vice*)  
23 (jhollingsworth@hollingsworthllp.com)  
24 Eric G. Lasker (*pro hac vice*)  
25 (elasker@hollingsworthllp.com)  
26 HOLLINGSWORTH LLP  
27 1350 I Street, N.W.  
28 Washington, DC 20005  
Telephone: (202) 898-5800  
Facsimile: (202) 682-1639

*Attorneys for Defendant*  
**MONSANTO COMPANY**