

FILED BY E-DELIVERY

ALAMEDA COUNTY

July 30, 2018

**CLERK OF
THE SUPERIOR COURT
By Keisha Ghee, Deputy**

**CASE NUMBER:
JCCP004953**

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19 Attorneys for Defendants MONSANTO COMPANY;
SUPERIOR SOD, LLC; SUPERIOR SOD I, LP; WILBUR-
20 ELLIS COMPANY LLC; and WILBUR-ELLIS FEED, LLC

21 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
22 **FOR THE COUNTY OF ALAMEDA**

23 COORDINATION PROCEEDING SPECIAL
TITLE (RULE 3.550)

JCCP NO. 4953

24 **ROUNDUP PRODUCTS CASES**

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

25
26 THIS DOCUMENT RELATES TO:
27 ALL ACTIONS
28

CMC: August 1, 2018 at 10:30 a.m.
Judge: Hon. Ioana Petrou
Location: Department 17

1 The Parties submit this Joint Case Management Conference Statement in anticipation of the
2 Case Management Conference scheduled for August 1, 2018 at 10:30 a.m.

3 The parties seek the Court's guidance regarding certain topics set forth in Plaintiffs' Notice of
4 Taking Videotaped Deposition of Monsanto Company's Person Most Knowledgeable/Qualified (copy
5 attached as Exhibit 1). After conferring about this deposition notice, the parties have narrowed the
6 issues in dispute for this case management conference by agreeing to not proceed at the upcoming
7 deposition of Monsanto Company with Topics 2, 3, 7, 12-14, and 17-20. Accordingly, the parties will
8 be prepared to discuss with the Court their disputes regarding Topics 1, 4-6, 8-11, 15, 16, and 21.

9
10 Respectfully submitted,

11 Dated: July 30, 2018

Timothy Litzenburg*

THE MILLER FIRM, LLC

Timothy Litzenburg (appearance *pro hac vice*)

BAUM HEDLUND ARISTEI & GOLDMAN, P.C.

R. Brent Wisner (SBN: 276023)


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Peter Miller (appearance *pro hac vice*)

Attorneys for JCCP Plaintiffs



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Steven R. Platt (SBN: 245510)

Attorneys for Defendants MONSANTO COMPANY;
SUPERIOR SOD, LLC; SUPERIOR SOD I, LP; WILBUR-
ELLIS COMPANY LLC; and WILBUR-ELLIS FEED, LLC

27 * Mr. Litzenburg has agreed to permit his e-signature to be affixed to this document.

28

EXHIBIT 1

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7 *Attorneys for JCCP Plaintiffs*

8 (Additional attorneys on signature page)

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF ALAMEDA**

11 COORDINATION PROCEEDING SPECIAL
TITLE (Rule 3.550)

JCCP NO. 4953

12 **ROUNDUP PRODUCTS CASES**

**PLAINTIFFS' NOTICE OF TAKING
VIDEOTAPED DEPOSITION OF
MONSANTO COMPANY'S PERSON MOST
KNOWLEDGEABLE/QUALIFIED**

13
14 THIS DOCUMENT RELATES TO:

15 ALL ACTIONS

Date: June 11, 2018
Time: 9:00 a.m.
Place: Husch Blackwell
190 Carondelet Plaza, Suite 600,
St. Louis, Missouri 63105

17
18 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

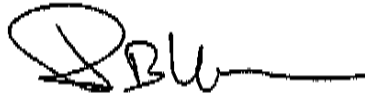
19 **PLEASE TAKE NOTICE** that, pursuant to California *Code of Civil Procedure* Sections
20 2025.010, *et seq.*, Plaintiffs, by and through undersigned counsel, will take the deposition of the
21 person(s) most qualified to testify on behalf of Monsanto Company on **Monday, June 11, 2018**
22 commencing at **9:00 a.m.** and will continue from day to day until completed, excluding Saturdays,
23 Sundays, and legal holidays. The deposition will take place at the offices of Husch Blackwell, located
24 at 190 Carondelet Plaza, Suite 600, St. Louis. Missouri 63105.

25 **NOTICE IS FURTHER GIVEN** that, pursuant to California Code of Civil Procedure
26 Sections 2025.230, the Monsanto Company is required to designate and produce for deposition the
27 person(s), agent(s), and/or employee(s) most knowledgeable/qualified and capable of testifying about
28 the subjects listed on Exhibit A.

1 **PLEASE TAKE FURTHER NOTICE** that the deposition will be taken before a certified
2 court reporter and will be recorded stenographically and by videotape. The deposing party
3 specifically reserves the right to use the videotape for all lawful purposes, including trial, under the
4 provisions of Code of Civil Procedure §§ 2025.010 *et seq.*

5 Dated: March 20, 2018

BAUM HEDLUND ARISTEI & GOLDMAN, P.C.

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25 **MILLER DELLAFERA PLC**

26 Peter Miller (*pro hac vice*)
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28 Henrico, VA 23233-1111
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pmiller@millerdellafera.com

Attorneys for JCCP Plaintiffs and Petitioners

EXHIBIT A

In accordance with CCP § 2025.230, Plaintiffs describe with reasonable particularity the matters on which examination is requested. The deponent(s) should be prepared to address the following topics:

1. Monsanto's knowledge and positions regarding the carcinogenicity of Glyphosate-Based-Formulations ("GBFs"), including but not limited to the potential for GBFs to cause non-Hodgkin lymphoma ("NHL").
2. Monsanto's knowledge and positions concerning the effects of GBFs on the shikimate pathway.
3. Monsanto's knowledge and positions concerning the effects of GBFs on microbiota.
4. Monsanto's knowledge and positions regarding the biological mechanism by which GBFs cause cancer, including but not limited to the potential for GBFs to induce genotoxicity, oxidative stress, and/or DNA damage.
5. Monsanto's knowledge and positions regarding the Agricultural Health Study ("AHS") and the studies conducted out of the AHS.
6. Monsanto's knowledge and positions regarding the epidemiology evaluating exposure to GBFs and cancer.
7. Monsanto's knowledge and positions regarding whether it has manufactured or sold the following chemicals and/or formulated products containing the following chemicals: Dicamba, 2,4-D, Malathion, Alachlor, Atrazine, Metolachlor, Trifluralin, Carbaryl, Chlordane, Diazinon, DDT, Dieldrin, Dimethoate, Pyrethrins, Cyanazine, and Thiocarbamate (EPTC).
8. Monsanto's knowledge and positions regarding whether the following chemicals potentiate NHL and/or are carcinogens, both as chemicals and as formulated products: Dicamba, 2,4-D, Malathion, Alachlor, Atrazine, Metolachlor, Trifluralin, Carbaryl, Chlordane, Diazinon, DDT, Dieldrin, Dimethoate, Pyrethrins, Cyanazine, and Thiocarbamate (EPTC).
9. Monsanto's knowledge, positions, and conduct pertaining to Proposition 65 and the decision by the California Office of Environmental Health Hazard Assessment

- 1 (“OEHHA”) to list glyphosate as a substance known to the State of California to cause
2 cancer.
- 3 10. Monsanto’s interaction with regulatory agencies, including but not limited to the U.S.
4 EPA; California EPA; ATSDR; CDC; EFSA; and Bfr regarding regulatory reviews,
5 analyses, and/or classifications of GBFs.
- 6 11. Monsanto’s interaction with regulatory agencies, including but not limited to the U.S.
7 EPA; California EPA; ATSDR; CDC; EFSA; and Bfr regarding IARC.
- 8 12. Monsanto’s interaction with members and staffers of the United States Congress regarding
9 GBFs, both directly and vis-à-vis third-party liaisons, including but not limited to FTI
10 Consulting.
- 11 13. Monsanto’s interaction with members and staffers of the United States Congress regarding
12 IARC, both directly and vis-à-vis third-party liaisons, including but not limited to FTI
13 Consulting.
- 14 14. Monsanto’s knowledge, policies, positions, and conduct pertaining to IARC
15 carcinogenicity classifications, both preceding and following the 2015 classification of
16 glyphosate as a “2A Probable Human Carcinogen”.
- 17 15. Monsanto’s knowledge, positions, and conduct pertaining to third-party analyses, studies,
18 evaluations, and/or testing of GBFs, including but not limited to TNO Nutrition and Food
19 Research and IBT Laboratories.
- 20 16. Monsanto’s knowledge, positions, and conduct of Monsanto-sponsored analyses, studies,
21 evaluations, and/or testing of GBFs.
- 22 17. Monsanto’s knowledge, positions, and conduct pertaining to consumer surveillance data
23 regarding potential adverse health effects associated with exposure to GBFs, including but
24 not limited to in-house reports containing such data and Monsanto’s responses to
25 consumer concerns.
- 26 18. Monsanto’s knowledge, positions, and conduct related to “Freedom to Operate.”
- 27 19. Monsanto’s knowledge, positions, and conduct related to the “Let Nothing Go” campaigns
28 and/or initiatives.

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- 20. Monsanto's knowledge, positions, and conduct related to interactions with the media and press related to IARC's classification of GBFs as a probable human carcinogen.
- 21. Monsanto's knowledge and conduct related to the retraction and/or refutation of scientific papers dealing with the safety of GBFs.

PROOF OF SERVICE

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES.

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 12100 Wilshire Blvd., Suite 950, Los Angeles, CA 90025.

On March 20, 2018 I served the following document(s): **PLAINTIFFS' NOTICE OF TAKING VIDEOTAPED DEPOSITION OF MONSANTO COMPANY'S PERSON MOST KNOWLEDGABLE/QUALIFIED** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

SEE SERVICE LIST

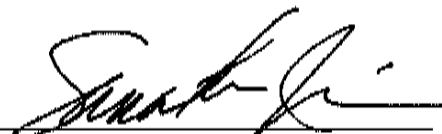
[] BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit. (*Chair, Judicial Council of California only*)

[X] BY ELECTRONIC SERVICE: I caused such document(s) to be served on the above referenced individual(s) by email transmission. The address of the sending computer and the address(es) of the receiving computers are listed as:

- a. Sending: sjison@baumhedlundlaw.com
- b. Receiving: see service list

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 20, 2018 at Los Angeles, California.



Samantha Jison

SERVICE LIST

<p>1 2 3 4 5 6 7</p> <p><u>Counsel for Plaintiffs</u> Aimee H. Wagstaff David Wool Kathryn Forgie ANDRUS WAGSTAFF, PC 7171 W. Alaska Drive Lakewood, CO 80226 Telephone: (303) 376-6360 Facsimile: (303) 376-6361 aimee.wagstaff@andruswagstaff.com david.wool@andruswagstaff.com kathryn.forgie@andruswagstaff.com</p>	<p><u>Counsel for Plaintiffs</u> Michael J. Miller Timothy Litzenburg THE MILLER FIRM LLC 108 Railroad Avenue Orange, VA 22960 Telephone: (540) 672-4224 Facsimile: (540) 672-3055 mmiller@millerfirmllc.com tlitzenburg@millerfirmllc.com</p>
<p>8 9 10 11 12 13</p> <p><u>Counsel for Plaintiffs</u> Robert F. Kennedy, Jr. Kevin J. Madonna KENNEDY & MADONNA, LLP 48 Dewitt Mills Road Hurley, New York 12443 Telephone: (845) 481-2622 Facsimile: (845) 230-3111 rkennedy@kennedymadonna.com kmadonna@kennedymadonna.com</p>	<p><u>Counsel for Plaintiffs</u> Nicholas R. Rockforte Christopher L. Coffin PENDLEY, BAUDIN & COFFIN, LLP 1515 Poydras Street, Suite 1400 New Orleans, LA 70112 Telephone: (504) 355-0086 Facsimile: (504) 523-0699 nrockforte@pbclawfirm.com ccoffin@pbclawfirm.com</p>
<p>14 15 16 17</p> <p><u>Counsel for Plaintiffs</u> Pete Miller Thomas F. DellaFera, Jr. MILLER DELLAFERA PLC 3420 Pump Road PMB 404 Henrico, VA 23233-1111 pmiller@millerdellafera.com tdellafera@millerdellafera.com</p>	<p><u>Counsel for Plaintiffs</u> Jeremy Shafer MILLER LEGAL, LLP 543 Encinitas Blvd., Ste. 111 Encinitas, CA 92024-3744 jshafer@millerlegalllp.com</p>
<p>18 19 20 21 22 23 24 25</p> <p><u>Counsel for Defendants Monsanto Company, Wilbur-Ellis Company, LLC, Wilbur-Ellis Feed, LLC, Superior SOD, LLC and Superior SOD I, LP</u></p> <p>Steven R. Platt PARKER, MILLIKEN, CLARK, O'HARA & SAMUELIAN, P.C. 555 S. Flower Street, 30th Floor Los Angeles, CA 90071 Telephone: (213)683-6500 Facsimile: (213)683-6669 splatt@pmcos.com</p>	<p><u>Counsel for Defendants Monsanto Company, Wilbur-Ellis Company, LLC, Wilbur-Ellis Feed, LLC, Superior SOD, LLC and Superior SOD I, LP</u></p> <p>Joe G. Hollingsworth Eric G. Lasker Martin C. Calhoun HOLLINGSWORTH LLP 1350 I Street, N.W. Washington, DC 20005 jhollingsworth@hollingsworthllp.com elasker@hollingsworthllp.com mcalhoun@hollingsworthllp.com</p>

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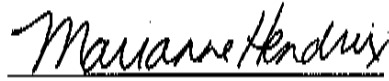
PROOF OF ELECTRONIC SERVICE

Coordination Proceeding Special Title (Rule 3.550)
Roundup Products Cases
Alameda County Superior Court
Case No. JCCP 4953

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 555 South Flower Street, 30th Floor, Los Angeles, California 90071.

On July 30, 2018, I served a true and correct copy of the document described as **JOINT CASE MANAGEMENT CONFERENCE STATEMENT** on the interested parties by electronic transfer to Case Anywhere via the Internet, pursuant to the Court's Case Management Order No. 2 Authorizing Electronic Service dated March 23, 2018.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Proof of Electronic Service was executed on July 30, 2018 at Los Angeles, California.


Marianne Hendrix
Marianne Hendrix