1 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA 2 3 SAN FRANCISCO DIVISION -----X 4 5 IN RE: ROUNDUP PRODUCTS ) MDL No. 02741 6 LIABILITY LITIGATION ) 7 ) 8 THIS DOCUMENT RELATES TO 9 ALL ACTIONS ) 10 -----x 11 12 CONFIDENTIAL 13 PURSUANT TO PROTECTIVE ORDER 14 15 VIDEOTAPED DEPOSITION OF SAMUEL MURPHEY 16 (IN HIS 30(b)(6) CAPACITY FOR MONSANTO COMPANY 17 AND IN HIS INDIVIDUAL CAPACITY) 18 WASHINGTON, D.C. 19 TUESDAY, JANUARY 22, 2019 20 8:56 A.M. 21 22 23 24 Pages: 1 - 409 25 Reported by: Leslie A. Todd

Confidential - Pursuant to Protective Order Deposition of SAMUEL MURPHEY, held at the offices of: HOLLINGSWORTH, LLP 1350 I Street, N.W. Washington, DC 20005 Pursuant to notice, before Leslie Anne Todd, Court Reporter and Notary Public in and for the District of Columbia, who officiated in administering the oath to the witness. 

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2	
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24	ALSO PRESENT:
25	DANIEL HOLMSTOCK (Videographer)
1	

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1	PROCEEDINGS
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3	THE VIDEOGRAPHER: We are now on the
4	record. My name is Daniel Holmstock. I am the
5	videographer for Golkow Litigation Services.
6	Today's date is January 22nd, 2019. The time is
7	8:56 a.m. This video deposition is being held at
8	the law offices of Hollingsworth, LLP, at 1350
9	I Street, Northwest, in Washington, D.C., in the
10	matter of In Re Roundup Products Liability
11	Litigation, MDL Number 02741, pending before the
12	United States District Court for the Northern
13	District.
14	The deponent today is Mr. Sam Murphey,
15	as a 30(b)(6) witness representing Monsanto
16	Corporation.
17	Counsel will be noted on the
18	stenographic record for appearances.
19	The court reporter is Leslie A. Todd,
20	who will now administer the oath.
21	WHEREUPON,
22	SAMUEL MURPHEY,
23	having first been duly sworn, was
24	examined and testified as follows:
25	MR. ESFANDIARY: Pedram Esfandiary for

Confidential - Pursuant to Protective Order 1 plaintiffs. 2 THE VIDEOGRAPHER: Oh, okay. I had you 3 noted on the stenographic record. 4 MR. ESFANDIARY: Oh, you did. Okay. 5 MR. PARISER: Before we start, Counsel, 6 I'm still not getting the Livenote feed. Will 7 that start up automatically? 8 (Discussion off the record.) 9 THE VIDEOGRAPHER: The time is 8:57 a.m. 10 We're going off the record. 11 (Resolving technical issues.) 12 THE VIDEOGRAPHER: The time is 8:59 a.m. 13 And we're back on the record. 14 EXAMINATION BY COUNSEL FOR PLAINTIFFS 15 BY MR. ESFANDIARY: 16 Good morning, Mr. Murphey. How are you 0 17 doing? 18 Good morning. I'm doing fine, thank А 19 you. 20 So my name is Pedram Esfandiary. We met 0 off the record, briefly. I'm representing the 21 22 plaintiffs in this litigation. Do you know what 23 this litigation is about? 24 I do. А 25 Q Okay, great. Have you given testimony

Confidential - Pursuant to Protective Order previously in deposition? 1 2 Α I have not. 3 0 This is your first deposition? 4 Α It is. 5 Okay. So I assume counsel walked you 0 6 through the various, you know, procedural 7 mechanisms of a deposition. If you want, I could 8 walk you through them again. 9 But just very briefly, this is a 10 question and answer format. So please wait for a 11 question, and wait until I finish my question 12 before you give an answer. Counsel may object 13 throughout the deposition, but I'm entitled to 14 your best answer, unless he instructs you not to 15 answer, and we can have a fight about that. 16 So before we get going here, I would 17 just like to lay out some preliminary --18 preliminary issues. 19 You understand that you've been 20 proffered here as a witness to testify on behalf 21 of the Monsanto Corporation, correct? 22 I do. Α 23 0 Okay. And you are currently an employee 24 of the Monsanto Corporation, right? 25 Yes, Monsanto, and now Bayer. Α

Confidential - Pursuant to Protective Order 1 So you are technically an Bayer. Q 2 employee of Bayer now, right? 3 Α I am. 4 Ο I'm going to mark what will be 5 Exhibit No. 1 to your deposition. That's yours. 6 MR. ESFANDIARY: And a copy for counsel. 7 (Murphey Exhibit No. 1 was marked 8 for identification.) 9 BY MR. ESFANDIARY: And this is Plaintiffs' Amended Notice 10 0 11 to take the videotaped oral deposition of Monsanto 12 Company. 13 Have you seen this notice before, sir? 14 Yes, I have. Α 15 If you would please turn to page Okay. 0 16 number 3, it's Exhibit A, it identifies various 17 topics for deposition that the Monsanto 18 representative will be testifying about. And if 19 you'd turn to page number 4, sir, and you look at 20 subjects number 18 and 19 there, 18 says, 21 "Monsanto's knowledge, positions, and conduct 22 related to the Let Nothing Go campaign and/or 23 initiatives." 24 Do you see that, sir? 25 Α I do.

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1	Q The one below it, No. 19, "Monsanto's
2	knowledge, positions, and conduct related to the
3	interactions with the media and press related to
4	IARC's classification of GBFs as a probable human
5	carcinogen."
6	Do you see that?
7	A I do.
8	Q Is it your understanding that you are
9	here, able and competent to testify about these
10	two topics?
11	A Yes, sir.
12	Q On behalf of the Monsanto Corporation,
13	correct?
14	A Yes.
15	Q Great. So the way we're going to do
16	this, I'm going to start the deposition with these
17	two topics. I'm going to start with topic No. 19,
18	proceed to 18, and then I may ask you some
19	questions in your individual capacity related to
20	your work at the Monsanto Corporation. Cool?
21	A I understand.
22	Q All right.
23	MR. PARISER: Counsel, just to clarify,
24	are we going to mark the 30(b)(6) segment of the
25	deposition completed, and then proceed to the

Confidential - Pursuant to Protective Order 1 separate individual deposition, or how do you want 2 to handle that? 3 MR. ESFANDIARY: I'd rather not do -- we 4 can talk about that maybe during a break, but I'd 5 rather not do that at this moment. We'll see how 6 the deposition unfolds, and we can maybe talk 7 about that. 8 MR. PARISER: Okay. We'll -- we'll talk 9 about that at the next break. I just want it to 10 be as clear as possible when the witness is 11 speaking on behalf of the company, as opposed to 12 his individual capacity. 13 MR. ESFANDIARY: I'll -- I'll ask him --14if I'm -- I'll form the question to suggest I'm 15 asking him in his individual capacity. 16 BY MR. ESFANDIARY: 17 Q All right. How long have you been an 18 employee of the Monsanto Corporation, Mr. Murphey? 19 Α Since January of 2013. 20 Since 2013. Okay. So you've been there 0 21 for about, what, it's coming up to four years, 22 right? 23 Α No, sir. It would be just over six 24 years. 25 Q Six years.

1	THE VIDEOGRAPHER: Counsel, I need to go
2	off the record again. I'm sorry.
3	MR. ESFANDIARY: Yeah.
4	THE VIDEOGRAPHER: The time is 9:03 a.m.
5	We're going off the record.
6	(Pause in proceedings.)
7	THE VIDEOGRAPHER: The time is 9:08
8	a.m., and we're back on the record.
9	BY MR. ESFANDIARY:
10	Q All right, Mr. Murphey, before I got my
11	math all bungled up there, so you've been at the
12	Monsanto Corporation for six years?
13	A Yes.
14	Q Correct? Okay. I would like to mark
15	Exhibit No. 2 to your deposition.
16	(Murphey Exhibit No. 2 was marked
17	for identification.)
18	BY MR. ESFANDIARY:
19	Q And this is what appears to be your
20	LinkedIn page, correct, sir?
21	A Yes, that's right.
22	Q Okay. And if you turn to page 2 of 4,
23	you got your education at Truman State
24	University is that upper Missouri?
25	A Yes, sir.

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1	Q Okay. And you received a bachelor of
2	arts, BA, in communication journalism, right?
3	A That's correct.
4	Q In 2006?
5	A That's correct.
6	Q And then you proceeded to work as a
7	communications director in the office of Governor
8	Jay Nixon of Missouri, correct?
9	A That's correct.
10	Q And you did that for two years. What
11	did that position entail? What's a communication
12	director?
13	A Sure. So the communications director in
14	the governor's office oversaw a team of
15	professionals who handled media relations, event
16	planning, helped the governor with preparation of
17	speeches and remarks. We were kind of the public
18	and media liaison for the office.
19	Q We have a term for a public relations
20	individual in the U.K., specifically the one that
21	works for government. Have you heard of the term
22	"spin doctor"?
23	MR. PARISER: Objection to form.
24	THE WITNESS: I've I've heard that
25	term. I don't think it reflects what I did in the

Confidential - Pursuant to Protective Order governor's office. 1 2 BY MR. ESFANDIARY: 3 0 So did part of your job entail, at the 4 governor's office, taking what could be 5 potentially negative PR issues, and turning them 6 into positive ones for the governor? 7 MR. PARISER: Objection to form. 8 THE WITNESS: I -- I think my 9 responsibilities in the governor's office focused 10 on helping develop messaging and communicate his 11 policies and his priorities to the public. 12 BY MR. ESFANDIARY: 13 In a positive way, ideally? 0 14 We wanted -- wanted to emphasize Α Sure. 15 the benefits and the good work the governor was 16 doing for the state, while accurately reflecting 17 his positions. 18 And if a negative story was to be issued 0 19 with respect to what the governor is doing in 20 office, part of your job entailed to, essentially, 21 turn it into a potentially positive one for the 22 qovernor, correct? 23 Α No. I think my -- our focus was more on 24 communicating his policy and priorities -- his 25 policies and his priorities in an accurate way,

### Confidential - Pursuant to Protective Order 1 that helped advance his agenda for the state. 2 0 So you --3 MR. PARISER: And, Counsel, just to 4 interrupt for a second, it should be obvious, but 5 all of these background questions, and questions 6 about his past history are outside the scope of 7 the 30(b)(6) notice. So these are all in his 8 individual capacity. 9 Can I have a running objection in that 10 regard. 11 MR. ESFANDIARY: Sure. That's fine. 12 BY MR. ESFANDIARY: 13 If you turn to page 1 of your LinkedIn 0 14profile there, and here it identifies your tenure 15 at Monsanto Company, correct? 16 Yes, it does. А 17 And it says, global external affairs 0 18 lead, chemistry. 19 Α Yes. 20 If I could stop right there. Do you 0 21 have any background in the sciences? 22 No, sir. My degree is in communication Α 23 and journalism. 24 You don't have any independent knowledge 0 25 of chemistry, correct?

1 My knowledge of the science behind Α No. 2 our products would come from my conversations with Monsanto scientists. 3 4 So you would defer to your Monsanto 0 5 colleagues -- by the Monsanto colleagues, when it 6 comes to scientific issues pertaining to the 7 product, correct? 8 А That's correct. 9 Would those -- would the individuals 0 10 that you would defer to include people like 11 Dr. Donna Farmer? 12 А Yes. 13 And people like Dr. Bill Heydens? 0 14 Α Yes. 15 So if Dr. Farmer was to say, "We cannot 0 16 say that Roundup is not carcinogenic, because we 17 have not tested the formulated product, " would you 18 defer to her on that? 19 MR. PARISER: Objection to form. 20 Misstates the record. 21 THE WITNESS: I -- I would -- I have a 22 lot of confidence, a tremendous amount of 23 confidence in the professionalism and expertise of 24 Dr. Farmer and her colleagues at our company. I 25 understand the specific context around that

Confidential - Pursuant to Protective Order 1 particular comment that Dr. Farmer was trying to make. 2 She was trying to be very accurate and 3 precise in language. 4 But, yes, I would refer to Dr. Farmer's 5 expertise on a variety of subjects. 6 BY MR. ESFANDIARY: 7 That wasn't quite my question there. 0 8 So my question was, with respect to the 9 statement, "We cannot say that Roundup is not 10 carcinogenic, because we have not tested the 11 formulated product, " would you defer to Dr. Farmer 12 on that statement? 13 MR. PARISER: Objection to form. 14 Misstates the record. 15 THE WITNESS: Yes, and I understand what 16 Dr. Farmer meant in that -- in that context. 17 BY MR. ESFANDIARY: 18 And if Dr. Bill Heydens said that he 0 19 believes "a tumor in a mouse study could be 20 related to exposure to the surfactant in the 21 formulated product, " would you also defer to his 22 expertise in that regard? 23 MR. PARISER: Objection to form. 24 Misstates the record. 25 THE WITNESS: I would like to see the

Confidential - Pursuant to Protective Order specific context around -- around that statement. 1 2 So I can't respond to that particular statement in 3 specificity, but I would defer to Dr. Heydens' 4 expertise. 5 BY MR. ESFANDIARY: 6 Q All right. If you look back at your 7 LinkedIn profile there, your tenure at the 8 Monsanto Company, it says, "Direct global media 9 relations and advocacy efforts in support of major 10 litigation, policy matters, and reputational 11 threats, focusing on the herbicide business and 12 freedom to operate." 13 Do you see that? 14 Α I do. 15 All right. And we'll get into 0 16 specifically what "freedom to operate" entails, 17 but part of your efforts at Monsanto were to 18 assist in the ongoing litigation -- responding to 19 ongoing litigation, particularly with respect to 20 Roundup, correct? 21 MR. PARISER: Objection to form. 22 THE WITNESS: Yes, the Roundup 23 litigation was one of the -- one of the pieces of 24 litigation that my team and I supported, as it was 25 attracting a significant number of inquiries from

Confidential - Pursuant to Protective Order reporters around the world. 1 2 BY MR. ESFANDIARY: 3 0 And it says, "direct global media 4 relations." Is it fair to say that the judgment 5 that you exercise in your position at the Monsanto 6 Company helped direct corporate policy in the 7 areas identified in your LinkedIn profile? 8 MR. PARISER: Objection to form, and 9 objection to the extent you're asking the witness 10 for -- to make a legal conclusion. 11 THE WITNESS: Could you -- could you 12 clarify by what you mean by "directing corporate 13 policy" in those areas? 14BY MR. ESFANDIARY: 15 Well, for example, when it says, "direct 0 16 global media relations and advocacy efforts, " in 17 your capacity at Monsanto, where you were 18 directing the global media relations, did the 19 decisions that you make help shape Monsanto policy 20 in this regard? 21 MR. PARISER: Same objection. Objection 22 to form, and to the extent you're asking the 23 witness to make a legal conclusion about his 24 ability to bind the company. 25 THE WITNESS: My -- my responsibilities

would have included working with our team to determine how best to receive inquiries coming in from reporters, to work with our scientists to develop those responses, our proactive strategies around reaching out to reporters. And, yes, I would have had -- I would have provided direction over those activities.

8 BY MR. ESFANDIARY:

9 Q And that would have eventually shaped 10 Monsanto corporate policy with respect to the 11 media outreach and the global media relations that 12 the Monsanto Company engaged in with respect to 13 the Roundup litigation, correct?

MR. PARISER: Same objections.

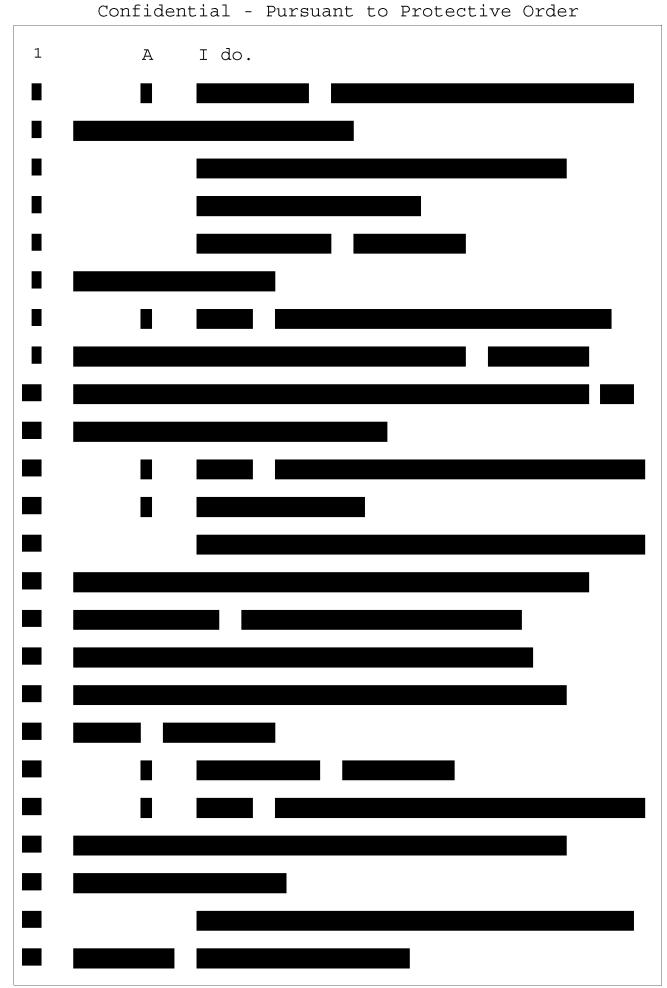
15 THE WITNESS: I'm -- I'm struggling to 16 understand exactly what you mean, again, by 17 "shaping the corporate policy." But, yes, I 18 did -- I did direct and provide leadership for

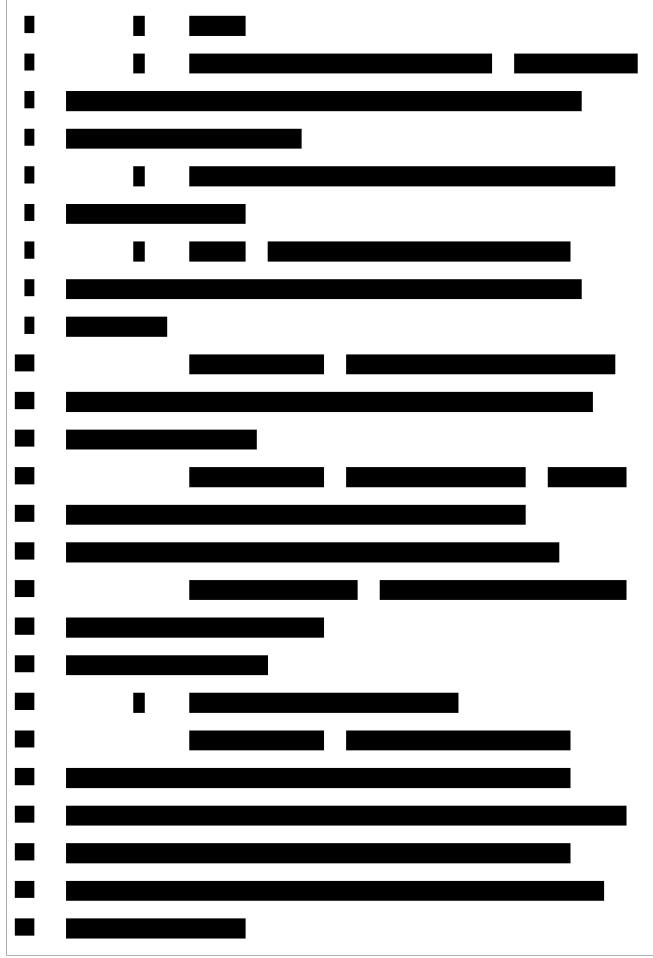
19 those activities.

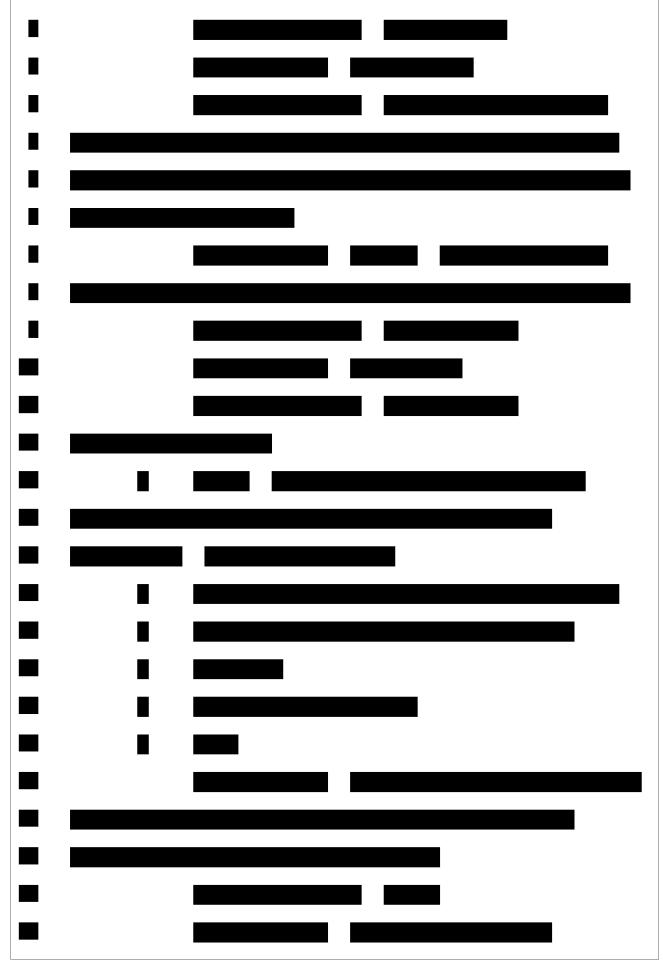
20 BY MR. ESFANDIARY:

Q In the second paragraph there, it says, Place compelling stories that materially contribute to commercial litigation and government relations strategies and initiatives." Do you see that?

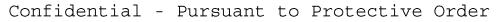
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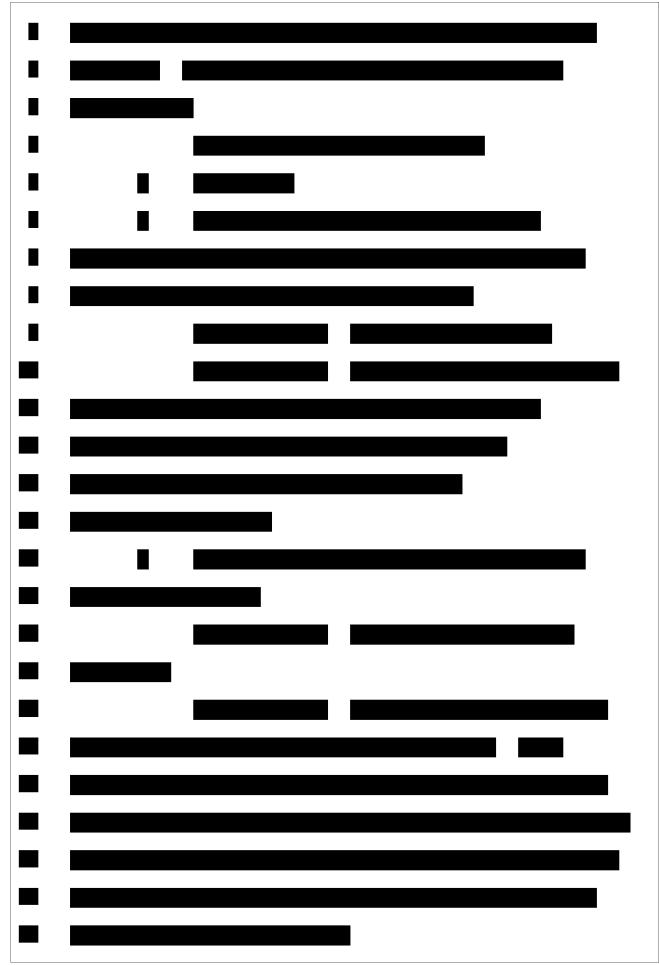


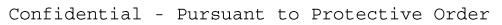




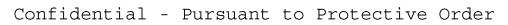
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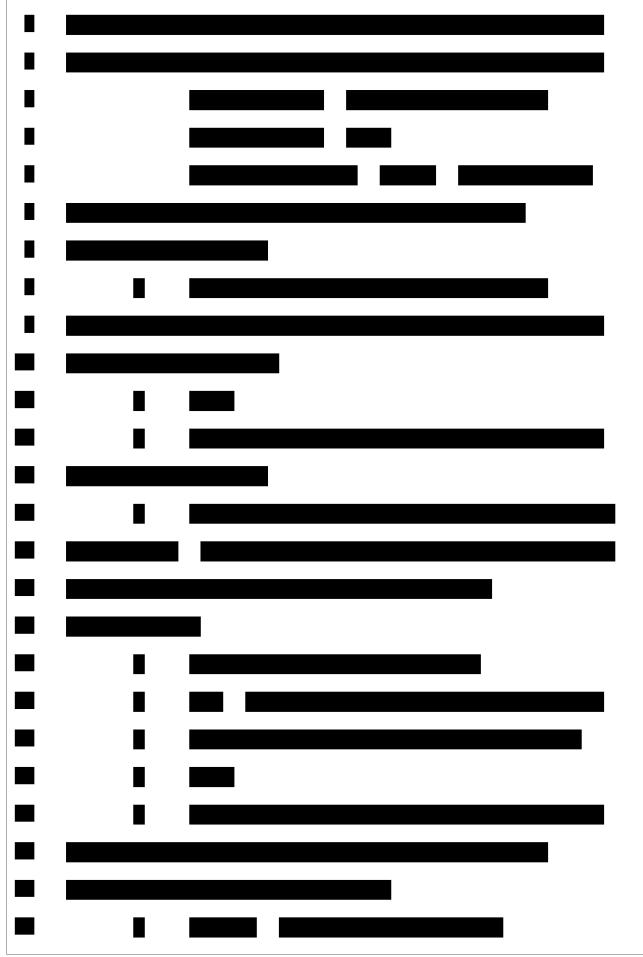
2 0 Let's switch gears here to the 3 International Agency for Research on Cancer, IARC. 4 You're familiar with IARC, correct, sir? 5 Α Yes, I am. 6 Q And do you know how long IARC has been 7 around for? 8 Α My understanding is 50 or so years. 9 I would like to mark as Exhibit No. 5 to 0 10 your deposition -- oh, it's 4, rather. 11 (Murphey Exhibit No. 4 was marked 12 for identification.) 13 BY MR. ESFANDIARY: 14 All righty. This is an excerpt from the 0 15 IARC website. And the name of the specific page 16 is Agents Classified By the IARC Monographs, 17 Volumes 1 through 123. This page was last updated 18 November 9th, 2018. Have you seen this page 19 before? 20 Α I don't know that I've seen this 21 particular page before. 22 Have you ever visited the IARC website 0 before? 23 24 А Yes. 25 0 But you don't recall coming across the

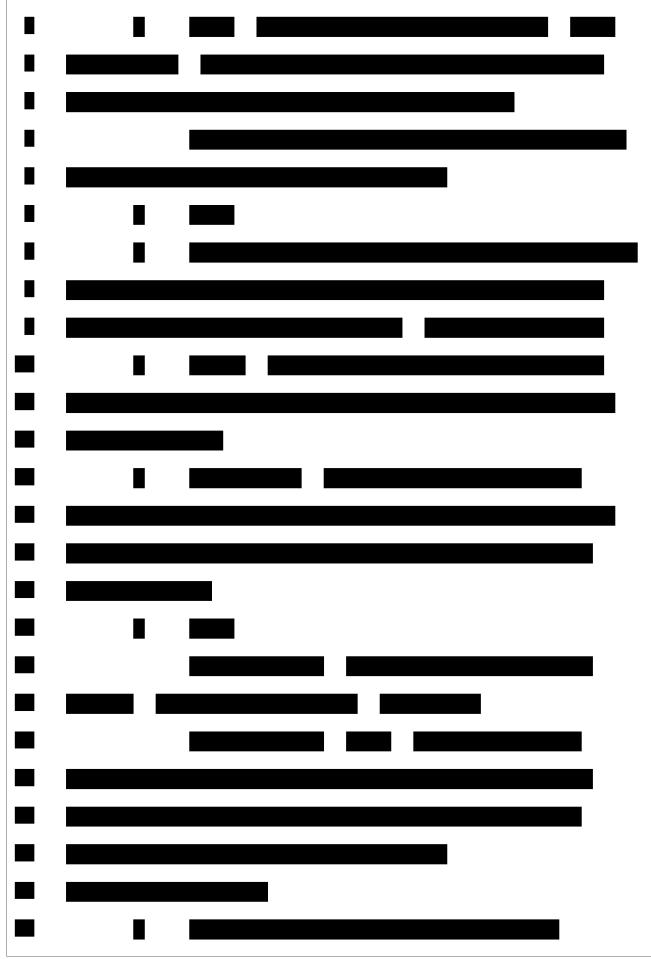
Confidential - Pursuant to Protective Order page dealing or addressing the specific chemicals 1 2 that IARC has classified over the years? 3 Α I just -- I don't recall whether or not 4 I've seen this specific page. 5 And if you look to the right-hand there, 0 6 it identifies different numbers -- the agents that 7 IARC has classified over the years. Do you know 8 how many total -- how many chemicals IARC has 9 reviewed and classified over the years? I've done 10 the math myself. I can represent it to you, if 11 you want. 12 Α Yeah, I mean, it seems to be the sum of 13 that column of numbers. 14 It's 1,013 over the years. 0 15 Α Fair enough, yeah. 16 So in 50 years at IARC, they've reviewed Q 17 about over a thousand chemicals. Okay? 18 Α That's my understanding, yes. 19 Q And can you see that out of the 1,013 20 chemicals, only 120 agents have been classified as 21 group 1, carcinogenic to humans? 22 That's what -- that's what's written Α 23 here on the page. 24 Can you see that the majority of the 0 chemicals have been classified in group 3, not 25

Confidential - Pursuant to Protective Order 1 classifiable as to its carcinogen in humans? That -- group 3 does have the largest 2 Α 3 number next to it, yes. 4 Q Now, IARC classified glyphosate in 2015, 5 correct? 6 Α Yes. 7 Do you know which category IARC 0 8 classified glyphosate in? 9 The IARC opinion on glyphosate was Α 10 category 2A. That would be the second down from the 11 0 12 top, probably carcinogenic to humans, correct? 13 Α That's correct. 14 And within that group, there's 82 0 15 chemicals out of the 1,013 that IARC has reviewed, 16 correct? 17 MR. PARISER: I'm just going to object 18 generally that your questioning so far about this 19 document is outside the scope of the 30(b)(6), but 20 you can go ahead. He can answer in his personal 21 capacity. 22 THE WITNESS: Yes, it says 82. 23 BY MR. ESFANDIARY: So you agree that fewer chemicals have 24 0 25 been classified by IARC as probably carcinogenic

Confidential - Pursuant to Protective Order 1 than not classifiable as to carcinogenicity, 2 correct? 3 MR. PARISER: Same objections as to Go ahead. 4 scope. 5 THE WITNESS: Yes, that's accurate, 6 based on what's written here. 7 BY MR. ESFANDIARY: 8 And in the group that IARC classified --0 9 classified glyphosate, group 2A, probably 10 carcinogenic to humans, are you aware that the 82 11 other chemicals in the category in which 12 glyphosate falls, that represents 8 percent of the 13 total number of chemicals reviewed by IARC? 14 MR. PARISER: Same objections. 15 THE WITNESS: That's roughly correct, 16 based on the math. 17 BY MR. ESFANDIARY: 18 So out of over a thousand chemicals, 0 19 IARC has classified 8 percent as being probably 20 carcinogenic to humans, correct? 21 MR. PARISER: Same objections. 22 THE WITNESS: Again, yeah, based on --23 based on the math, that's right. 24 But just to be -- to be clear, though, I 25 don't think it -- IARC doesn't just classify

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<sup>1</sup> chemicals. It can be other substances. It can be
2 activities as well.
3 BY MR. ESFANDIARY:
4 Q Sure. All right.
5 MR. ESFANDIARY: I'm going to move this
6 document into evidence as well. And we're going
7 to proceed to Exhibit No. 5.



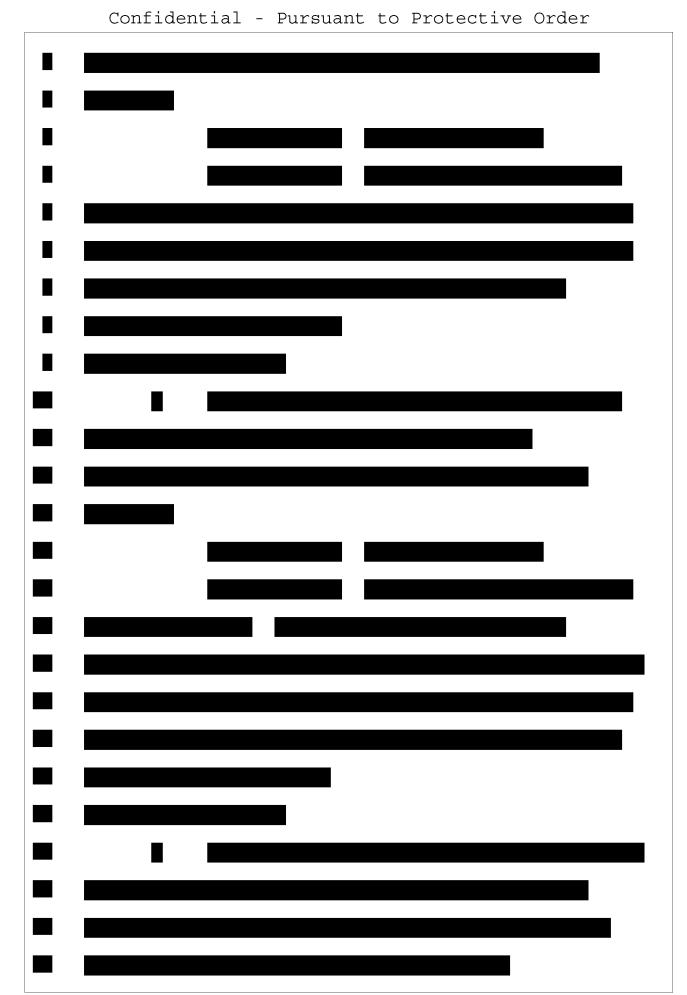


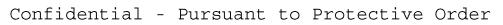
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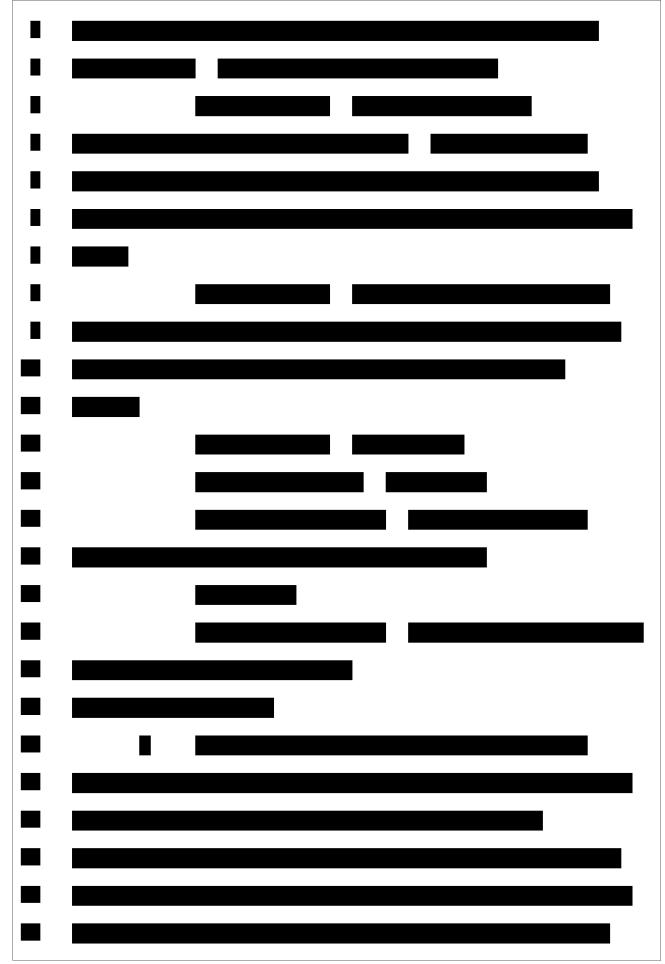
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5	(Murphey Exhibit No. 6 was marked
6	for identification.)
7	BY MR. ESFANDIARY:
8	Q I'm going to mark as Exhibit No. 6 to
9	your deposition.
10	A Thank you.
11	Q This is an article by Mr. Chris
12	Bennett titled Glyphosate War Stirs Chemical
13	Storm. And it was published October 23rd, 2018.
14	Do you recall reading the final article that
15	Mr. Bennett published, sir?
16	A Let me just take a minute to (Peruses
17	document.)
18	I think I do recall seeing this article
19	when it came out.
20	Q Okay. If you turn to page 5, and at the
21	top there, it says, "Vice president of Bayer has
22	rendered opinions" sorry, let me go back.
23	It says, "Vice president of Bayer: IARC
24	has rendered opinions on 1,200 substances, and in
25	all but one, found cancer risks."

1 Is it your understanding that this is 2 substantively the same quote that Mr. Bennett sent 3 to you and your colleagues at Monsanto to check 4 for accuracy, sir? 5 Yes, that looks to be substantively Α 6 similar to what Mr. Bennett sent in his e-mail to 7 Ms. Lord. 8 Now, Mr. Partridge's e-mail doesn't say 0 that 499 chemicals have been classified in 9 10 group 3, not classifiable as to its 11 carcinogenicity to humans, correct? 12 MR. PARISER: Objection to form. 13 THE WITNESS: No. Again, the context of 14 his statement here is that of the 1,200 or so 15 substances that IARC has classified, only one is 16 classified in category 4. 17 BY MR. ESFANDIARY: 18 He says, all but one. He doesn't say Q 19 only one. He says, everything has been classified 20 as carcinogenic but one, correct? 21 MR. PARISER: Objection to form. 22 THE WITNESS: In all but one, they found 23 some -- some level -- some level of risk. Again, 24 there's only -- there's only one category. And 25 that's category 4 that says, probably not

Confidential - Pursuant to Protective Order carcinogenic to humans. 1 2 BY MR. ESFANDIARY: 3 0 Is it your testimony to the jury that 4 not classifiable as to carcinogenicity indicates 5 that IARC found some kind of a risk? 6 MR. PARISER: Objection to form and 7 scope. 8 THE WITNESS: I'm not familiar with the exact criteria of category 3. You know, it -- but 9 10 it seems to suggest that they don't have 11 convincing evidence either way. But the sole 12 category that is probably not carcinogenic to 13 humans is category 4. 14BY MR. ESFANDIARY: 15 Right. But the category, not 0 16 classifiable, it includes chemicals that have been 17 reviewed and classified by IARC, correct? 18 MR. PARISER: Same objections. 19 THE WITNESS: Yes, in category 3. Not 20 in category 4. 21 BY MR. ESFANDIARY: 22 Right. But when Mr. Partridge says that 0 23 IARC has found cancer risks in all, he is lumping 24 in category 3 in his statement there, isn't he, 25 sir?

Confidential - Pursuant to Protective Order 1 MR. PARISER: Same objections. Asked 2 and answered. 3 THE WITNESS: Yes, because of the 1,200 4 or so substances and activities, and other things 5 that IARC has classified, there is only one that 6 is in category 4. 7 BY MR. ESFANDIARY: 8 But I'm not asking about the one in 0 9 category 4. I'm asking about, when he says, in 10 all, he is including category 3, not classifiable 11 as to carcinogenicity, in that statement, correct? 12 MR. PARISER: Same objections. 13 THE WITNESS: Yes. 14 BY MR. ESFANDIARY: 15 So Monsanto represented to the world 0 16 that even in instances when IARC has classified a 17 chemical as not classifiable as to 18 carcinogenicity, that indicates a risk, correct? 19 MR. PARISER: Same objections. 20 THE WITNESS: No. Mr. Partridge made the point here that there's only one substance, of 21 22 all that IARC has looked at, that is in 23 category 4. That is -- that is how I read his --24 his statement. 25 BY MR. ESFANDIARY:

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1	Q And just so the record is clear, I
2	understand that he said that he's referring to the
3	category 4, but he's also referring to all the
4	other categories, correct?
5	MR. PARISER: Same objections. Asked
6	and answered.
7	THE WITNESS: Yes, every everything
8	that is not in category 4.
9	BY MR. ESFANDIARY:
10	Q Which includes not classifiable.
11	A Correct, because those are not in
12	category 4, probably not carcinogenic to humans.
13	Q So when Mr. Partridge says that IARC has
14	found a cancer risk in all, my question to you,
15	sir, is Monsanto's representing that not
16	classifiable to carcinogenicity implies that there
17	is a risk of cancer, correct?
18	MR. PARISER: Same objections. Asked
19	and answered.
20	THE WITNESS: There there could be;
21	there could not be. It's a substance, or an
22	activity, or item that is not in category 4, which
23	is the only category that is definitively probably
24	not carcinogenic to humans.
25	BY MR. ESFANDIARY:

1 And Mr. Partridge did not make that 0 2 distinction in issuing this quote to the world, 3 correct? 4 MR. PARISER: Same objections. Asked 5 and answered several times. 6 THE WITNESS: No. Mr. Partridge made 7 the point that of all of the substances that IARC 8 looked at, there's only one that is in category 4. 9 BY MR. ESFANDIARY: 10 And getting really technical, because 0 11 IARC -- you agree IARC is a research organization, 12 correct? 13 MR. PARISER: Objection to scope. 14 THE WITNESS: My understanding is that 15 IARC conducts a number of activities. They do --16 you know, they do some research. And then in the 17 case of the monographs program, they review 18 research that others have done. 19 BY MR. ESFANDIARY: 20 And they have clearly distinguished 0 criteria by which they classify chemicals, and 21 22 activities, and foods, and so forth, correct? 23 MR. PARISER: Same objections. 24 THE WITNESS: Yes, that's generally 25 my -- my understanding.

1 BY MR. ESFANDIARY:

2 0 And these clearly defined criteria are clearly defined for a -- for a reason, correct? 3 4 MR. PARISER: Objection to form. 5 THE WITNESS: I -- I can't speak to how 6 clearly defined or not they are. That's not --7 I'm not familiar with the specific criteria. But 8 I understand that there are criteria by which they 9 choose to place a substance, or an activity, or a 10 food, as you said, into a different category. 11 BY MR. ESFANDIARY: 12 0 Given the numbers that we looked at, 13 with respect to how many chemicals have been 14 classified in specific groups by IARC, and 499 of 15 them being not classifiable as to carcinogenicity, 16 is it accurate to say, that in every instance but 17 one, IARC has found a cancer risk? 18 MR. PARISER: Objection to scope and 19 form and scope. Asked and answered numerous 20 times. 21 THE WITNESS: Yes, in -- through the 22 IARC classification system, there is only one 23 substance where they have said it is -- it is in 24 category 4, which is their only category that is 25 probably not carcinogenic to humans.

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Confidential - Pursuant to Protective Order 1 BY MR. ESFANDIARY: 2 Q Is it accurate to say that the majority 3 of the chemicals reviewed by IARC have been 4 classified as carcinogens? 5 MR. PARISER: Same objections. THE WITNESS: They have been put -- they 6 7 have been put into a category that, you know, 8 suggests that there is some reason that they would 9 not be classified in category 4. 10 BY MR. ESFANDIARY: 11 So not classifiable, that includes 0 12 chemicals that have been found to have a cancer 13 risk. Is that your testimony, sir? 14 MR. PARISER: Objection to form. 15 Misstates testimony. 16 THE WITNESS: No. Something that is in category 3 is not in category 4. And category 4 17 18 is the only category that refers to not 19 carcinogenic. 20 BY MR. ESFANDIARY: 21 That wasn't my question, sir. Q 22 My question was, is it your testimony 23 that something classified in category 3 indicates 24 a cancer risk? 25 MR. PARISER: Objection, argumentative.

1 Asked and answered. 2 THE WITNESS: I don't think -- I don't 3 have the familiarity to understand exactly what 4 the criteria are for category 3. But looking at 5 the classification system here on the page, there 6 is -- there is only one substance that is in 7 group 4, which is the only category that is 8 probably not carcinogenic. 9 BY MR. ESFANDIARY: 10 So Monsanto is okay making 0 11 representations about IARC's classification system 12 without being fully familiar as to what each of 13 those categories entail? 14 MR. PARISER: Same objections. 15 THE WITNESS: No, that's not -- that's 16 not what I was implying. I have -- I have 17 colleagues, scientific colleagues who do have much 18 more familiarity with the classifications and how 19 substances are classified there. I was simply 20 saying that I, in my role, don't have total 21 familiarity with those -- with those criteria. 22 BY MR. ESFANDIARY: 23 0 Well, you testified earlier that you 24 knew Mr. Partridge's statement to be true, 25 correct?

1 Α Yes, that I was aware that only one 2 substance had been -- had been classified in 3 group 4. 4 And you represented that you thought the 0 5 statement to be true, whilst at the same time 6 professing that you're not exactly clear on what 7 each of the categories of classification used by 8 IARC actually entails, correct? 9 MR. PARISER: Objection, scope. 10 Argumentative. 11 THE WITNESS: No, I'm saying that my 12 understanding is the statement was true, in that 13 Mr. Partridge was making the statement that of all 14 of the substances and activities that IARC has 15 classified, only one of them is in group 4. That 16 is consistent with my understanding. I am not, 17 however, intimately familiar with the specific 18 criteria behind classification in each of the 19 categories. 20 BY MR. ESFANDIARY: 21 So you're not intimately familiar Q 22 enough, in order to respond accurately to a statement that, in all other instances, IARC has 23 24 found a cancer risk associated with a chemical, 25 correct?

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1 MR. PARISER: Objection to form. 2 THE WITNESS: No. I am comfortable in saying that of all of the substances that IARC has 3 4 classified, which is about 1,200, there is only 5 one that has been classified in group 4, which is 6 probably not carcinogenic to humans. 7 BY MR. ESFANDIARY: 8 Regardless of your understanding of what 0 9 group 3 actually means, correct? 10 MR. PARISER: Objection to form. 11 Objection to scope. 12 THE WITNESS: Yes, because, again, it's 13 very clear that there is only one substance in 14group 4. 15 BY MR. ESFANDIARY: 16 Now, the e-mail between Mr. Bennett and 0 17 Monsanto was sent back in September of 2018, 18 correct? 19 А Yes. 20 Are you familiar with the case of 0 21 Johnson versus Monsanto? 22 Α Yes, sir. 23 0 Are you aware that the jury in Johnson 24 versus Monsanto awarded the plaintiff 280 million 25 in damages --

Confidential - Pursuant to Protective Order 1 MR. PARISER: Objection. 2 BY MR. ESFANDIARY: 3 0 -- as a result of exposure -- injuries 4 arising from exposure to Roundup? 5 MR. PARISER: Objection. This is 6 outside the scope. 7 THE WITNESS: I -- it is my 8 understanding that the jury awarded that level of 9 damages, and subsequently, it was reduced by -- by 10 the judge. 11 BY MR. ESFANDIARY: 12 Q Do you know how much it was reduced to? 13 I believe it was about 90 million. Α 14 It was 78. 0 15 Okay. Α 16 And do you know when the jury verdict 0 17 was handed down? 18 А I believe it was back in August. 19 Q Now, please turn your attention back to 20 Monsanto's statement in Bennett's article. Now, 21 this article was published after the Johnson 22 verdict, correct? 23 Α Yes. It appears this article was 24 published on October 23rd. 25 Q In the paragraph where Mr. Partridge --

1	let's see I'm sorry, turn your attention to the
2	e-mail that Mr. Bennett sent.
3	A Okay.
4	Q Oh, actually, sorry. No, in the article
5	just above the paragraph, it's on page 4, where
6	Mr. Partridge talks about a number of chemicals
7	classified by IARC. He says, "'Look back at 40
8	years of safe glyphosate use, and there are no
9	lawsuits like this until the IARC report, which
10	was based on no testing, no lab work, just opinion
11	that glyphosate is probably a carcinogen. Thus
12	manipulation and cherry-picking of data,' says
13	Scott Partridge."
14	Do you see that?
15	A I do.
16	Q Sir, has the EPA ever conducted a lab
17	test on glyphosate?
18	MR. PARISER: Objection to scope and
19	foundation.
20	THE WITNESS: No, those the
21	laboratory tests are conducted by registrants or
22	by contract labs on behalf of registrants,
23	companies like Monsanto, that produce glyphosate.
24	And then those are submitted to the EPA.
25	BY MR. ESFANDIARY:

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1	Q Has the BfR ever done a lab test on
2	glyphosate?
3	MR. PARISER: Same objections.
4	THE WITNESS: No. My understanding
5	there is the same, that, you know, those tests are
6	done and submitted to the agencies for review. I
7	do think in the case of IARC, my understanding is
8	that many of those tests were not considered
9	because they are not published in openly available
10	literature.
11	BY MR. ESFANDIARY:
12	Q Are you aware that the summary of those
13	tests is published in an article titled Grime,
14	et al., 2015?
15	MR. PARISER: Objection.
16	THE WITNESS: Yes, I am.
17	BY MR. ESFANDIARY:
18	Q Are you aware that IARC reviewed that
19	article and the underlying data that was presented
20	in that article?
21	MR. PARISER: Objection to scope and
22	form. And misstates facts.
23	THE WITNESS: My understanding is that
24	that information was made available to the working
25	group quite late, and that much of that data was

Confidential - Pursuant to Protective Order not thoroughly examined by the IARC working group. 1 2 BY MR. ESFANDIARY: 3 0 Do you have any basis to know how 4 thoroughly BfR has examined the underlying data? 5 My -- my understanding is that agencies Α 6 like the BfR and the EPA review the data guite 7 rigorously. And who told you that, sir? 8 0 9 That would be through my conversations Α 10 with Monsanto scientists, who are familiar with 11 the regulatory process. 12 0 You would defer to those scientists 13 when it comes to the regulatory process, correct? 14 Yes, in many cases -- if I had -- if I Α 15 had a technical question about how that process 16 worked, I would go to one of our scientists and 17 ask them to help me understand it. 18 But you agree that none of these 0 19 regulatory agencies actually, themselves, conduct 20 lab tests on glyphosate, correct? 21 MR. PARISER: Objection, scope and 22 foundation. 23 THE WITNESS: No. My understanding is 24 those tests are conducted by registrants or labs 25 working on behalf of the registrants, according to

Confidential - Pursuant to Protective Order 1 regulatory guidelines that have been submitted. 2 BY MR. ESFANDIARY: 3 0 So when Mr. Partridge says that IARC's 4 decision was based on no testing, no lab work, 5 that equally applies to the regulatory agencies, 6 correct? 7 Because, again, here they -- the А No. IARC was looking at a subset of the data available 8 9 to the regulatory bodies. And their -- their 10 assessment was not as rigorous or complete as the 11 assessment by EPA, or BfR, or the other agencies. 12 Q That was not my question, sir. 13 My question was, Mr. Partridge's 14statement that IARC's decision was based on no lab 15 work, that applies equally to the regulatory 16 agencies, correct? 17 Yes, a regulatory agency would rely on Α 18 lab work that is done by a registrant, according 19 to regulatory standards and submitted to them. 20 So my question to you, is, 0 21 Mr. Partridge's statement that IARC's opinion that 22 glyphosate is probably a carcinogen, that wasn't 23 based on lab work, that equally applies to 24 regulatory agencies, correct? 25 MR. PARISER: Objection to form.

1	THE WITNESS: Again, I my
2	understanding is that, in the case of a regulatory
3	agency, they do rely on lab work that is submitted
4	by a registrant. And they looked at and EPA or
5	BfR looks at substantially more data than IARC
6	would have considered.
7	BY MR. ESFANDIARY:
8	Q Again, the BfR or EPA, though, does not
9	conduct a lab test, correct?
10	A That is my understanding.
11	Q So Mr. Partridge's statement, the IARC's
12	classification was based on no testing, no lab
13	work, that applies to the regulatory agencies,
14	such as the EPA, correct?
15	A Yes, the EPA would not conduct its own
16	laboratory testing.
17	Q Thank you.
18	Is it fair to say that you coordinated
19	much of Monsanto's response to the IARC
20	classification of glyphosate?
21	MR. PARISER: Objection to form.
22	THE WITNESS: It would be excuse me,
23	it would be fair to say, I coordinated much of our
24	media or public affairs response. There were
25	certainly other people involved in other aspects
L	

Confidential - Pursuant to Protective Order of that work. 1 2 BY MR. ESFANDIARY: 3 0 But you were heavily involved in aspects 4 of that work, correct? 5 MR. PARISER: Objection to form, vague. 6 THE WITNESS: Again, as --7 BY MR. ESFANDIARY: Counsel is right. That was a poor 8 0 9 question. 10 Your -- a large part of your 11 responsibilities at Monsanto involved media 12 response to the 2015 IARC classification of 13 glyphosate, correct? 14 Α Yes. 15 Okay. I'd like to -- and you're aware 0 16 that IARC announced its classification of 17 glyphosate in March of 2015, correct? 18 Α Yes. 19 And the Lancet article that was Q 20 published carrying the initial IARC announcement 21 of the classification of glyphosate was about 22 March 20th, 2015? 23 Α Yes. 24 I'd like to go back to early 2015, 0 25 before IARC had classified glyphosate.

1 I'm going to -- well, before I get 2 there, did Monsanto have a plan in place for responding to the IARC classification before the 3 4 agency announced its classification in March? MR. PARISER: Objection to form, vague, 5 6 outside the scope. 7 THE WITNESS: Yes, I had colleagues 8 within our corporate engagement group, who were 9 developing a communications plan to respond once 10 the IARC opinion became public. 11 BY MR. ESFANDIARY: 12 0 Before Monsanto knows what the 13 classification is, correct? 14 MR. PARISER: Same objection. 15 THE WITNESS: Correct. We were -- we 16 were aware that the working group meeting had been 17 scheduled, and so we're developing plans for 18 several -- several -- several scenarios. 19 MR. ESFANDIARY: I'd like to mark as 20 exhibit number -- No. 7. 21 (Murphey Exhibit No. 7 was marked 22 for identification.) 23 BY MR. ESFANDIARY: There you are, sir. That's Exhibit 24 0 25 No. 7 to your deposition.

1 MR. ESFANDIARY: And a copy for counsel. 2 There you are. 3 BY MR. ESFANDIARY: And this is an e-mail with an 4 0 5 accompanying attachment sent by Kimberly Link to 6 JD Dobson, on February 27, 2015. 7 That's about, oh, less than a month or 8 so before the IARC announced its classification, 9 correct? 10 If you would give me just a Α Yes. 11 minute -- since I'm not on this e-mail --12 Q Sure. 13 -- I'd just like to read it all. Α 14 (Peruses document.) 15 And whilst you're doing that, I'm just 0 16 going to read in the Bates number of the document 17 is MONGLY04773726. 18 Α Okay. 19 0 Do you recall seeing these e-mails and 20 the attachment? 21 Again, I'm not on this e-mail. Α No. So 22 I did not receive -- receive this, or review this 23 e-mail. I'm aware that there was a plan developed 24 that contained many of these parts. I don't know 25 that I ever saw this specific version of the plan.

Confidential - Pursuant to Protective Order 1 But you are able to competently testify 0 2 about Monsanto's media response to the IARC 3 decision, correct? 4 Α Yes. 5 MR. PARISER: Objection to -- you need 6 to give me a little bit of time to object. 7 THE WITNESS: I do. Sorry. 8 BY MR. ESFANDIARY: 9 Does this document appear to have been 0 10 created in the ordinary course of Monsanto's 11 business? 12 MR. PARISER: Object to form and 13 foundation. And, Counsel, I don't believe 14activities prior to the IARC classification are 15 within the scope of the 30(b)(6) notice, but the 16 witness can answer, to the extent he knows, in his 17 personal capacity. 18 MR. ESFANDIARY: He is going to testify 19 about Monsanto's positions on the IARC's response 20 related to the classification of glyphosate, 21 whether that's before or after the classification. 22 MR. PARISER: I'm going to maintain my 23 objection, but he can answer, to the extent he's able to. 24 MR. ESFANDIARY: We'll see what the 25

Confidential - Pursuant to Protective Order 1 judge has to say. 2 BY MR. ESFANDIARY: 3 0 All right. Mr. Murphey, does this 4 appear to have been created in the ordinary course 5 of Monsanto's business? 6 MR. PARISER: Same objection. 7 THE WITNESS: Yes. 8 MR. ESFANDIARY: I'm going to move this document into evidence as well. 9 10 BY MR. ESFANDIARY: 11 Now, what does Ms. Kimberly Link do at 0 12 Monsanto, sir? 13 Ms. Link is -- is no longer an employee Α 14 of the company. At the time, she was a member of 15 the team within the corporate engagement group 16 that was preparing for the IARC working group 17 announcement. 18 So she was part of your corporate 0 19 engagement team, correct? 20 Α Yes. She didn't report to me. But, 21 yeah, she was a part of the same corporate 22 engagement team. 23 And she sends an e-mail to JD Dobson at 0 24 JDDobson@Fleishman.com. Is that referring to 25 FleishmanHillard, sir?

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1	A Yes.
2	Q And we'll get to FleishmanHillard in
3	just a little bit, but could you just give a brief
4	explanation as to what FleishmanHillard does?
5	A FleishmanHillard is a public affairs
6	consultancy. And they work with a number of
7	clients, such as such as Monsanto, on
8	activities involving media relations, digital or
9	social media, stakeholder engagement, and things
10	of that sort.
11	Q And on the first page of this document,
12	Ms. Link says, "I just spoke with Kelly. Here is
13	our final draft plan." Do you see that?
14	A I do.
15	Q And attached is the final draft plan.
16	If you turn to the first page of the attachment,
17	it is titled Monsanto Response Plan to IARC
18	Decision, correct?
19	A Yes.
20	Q And if you look down to the subsection
21	titled, Media, in the second paragraph, it says,
22	"Monsanto should be prepared with reactive
23	statements responding to a 3 finding, not
24	classifiable as to carcinogenicity to humans, by
25	far the most common IARC ruling at 506 out of 978

Confidential - Pursuant to Protective Order 1 agents categorized." 2 Do you see that, sir? 3 Α I do see that written there. 4 0 So I'm just going to stop there. 5 Monsanto was internally aware that the majority of 6 IARC's classifications are in group 3 of 7 non-classifiable, correct? MR. PARISER: Objection to form, and 8 9 foundation, and scope. 10 THE WITNESS: Yes, we were aware that 11 there were a significant number of items that had 12 been included in category 3. 13 BY MR. ESFANDIARY: 14 And Mr. Partridge didn't report to the 0 15 media in his statement that the most common IARC 16 classifications fell in group 3, correct? 17 MR. PARISER: Objection. Counsel, we've 18 been over this line of questioning again and again 19 and again. Asked and answered. 20 THE WITNESS: No. Mr. Partridge made the point that of the 1,200 or so items that IARC 21 22 has classified, only one is in category 4. 23 BY MR. ESFANDIARY: 24 And all the others indicate a cancer Q 25 risk?

Confidential - Pursuant to Protective Order 1 MR. PARISER: Same objections. 2 BY MR. ESFANDIARY: 3 0 Correct? 4 Α That all the others are in a category 5 other than category 4. 6 0 He didn't say that, though, did he? 7 MR. PARISER: Objection, asked and 8 answered numerous times. Counsel, we've been 9 through this again and again. 10 BY MR. ESFANDIARY: 11 Q Mr. Partridge says that all but one. 12 MR. PARISER: This is getting to be -this is getting to be harassment. 13 14 BY MR. ESFANDIARY: 15 0 Correct? 16 Ά He said all but one are not in 17 category 4. 18 And if you turn to the next page of the 0 19 attachment there, under subsection social/digital, 20 three paragraphs down, it says, "Monsanto, as a 21 leading manufacturer of glyphosate, as a company 22 with reputation challenges, will have a very 23 limited credibility when speaking on the topic of 24 glyphosate safety." 25 Do you see that, sir?

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1	A I do see that written there.
2	Q Does Monsanto perceive itself to have
3	limited credibility when responding to the IARC
4	classification?
5	MR. PARISER: Objection to form, and
6	scope.
7	THE WITNESS: No. I think I think
8	the context here is important. And, you know,
9	what Ms. Link was saying in this document was
10	that, you know, Monsanto was aware that it could
11	be a highly polarizing, you know, company. And
12	that it can evoke strong emotions in public
13	conversations. And we just needed to keep that in
14	mind.
15	I certainly think when it comes to our
16	scientists and their understanding of the safety
17	and the research that supports the safe use of
18	glyphosate, we have we have a tremendous amount
19	of credibility. I just think Ms. Link was saying,
20	we need to keep kind of the overarching context of
21	Monsanto's reputation in mind as this plan was
22	developed.
23	BY MR. ESFANDIARY:
24	Q Ms. Link says that Monsanto "will have
25	very limited credibility when speaking on the

Confidential - Pursuant to Protective Order 1 topic of glyphosate safety, " correct? 2 That is what she or someone appears to Α 3 have written there. 4 What are some of the reputation 0 5 challenges facing Monsanto? 6 MR. PARISER: Objection to scope and 7 form, vaque. 8 THE WITNESS: I think, you know, in the current social climate, people have a fair number 9 10 of questions about where their food comes, and how 11 it's produced. And in that context, things like 12 genetically modified organisms, or you know, 13 modified genetically seeds, in the case of our 14 company, have evoked a lot of questions and emotional responses from people. 15 16 And for quite a while, I think Monsanto 17 did not do enough to engage in those conversation, 18 and to help people understand the importance and 19 the benefits and the safety of those -- of those 20 technologies. And I think that, over time, 21 created a reputational challenge that Monsanto was 22 working to address. 23 BY MR. ESFANDIARY: 24 Would some of the reputational 0 25 challenges involve Monsanto's manufacture of PCBs?

1	MR. PARISER: Objection to scope.
2	THE WITNESS: That was a PCBs were a
3	product of the former Monsanto Company. But, yes,
4	on occasion, we would continue to receive
5	receive questions or see coverage in the media
6	about the connection between the former Monsanto
7	Company and PCBs.
8	BY MR. ESFANDIARY:
9	Q Would Monsanto's reputational challenges
10	involve the manufacture of Agent Orange used in
11	the Vietnam War?
12	MR. PARISER: Objection to form.
13	THE WITNESS: Again, that was a product
14	of the former Monsanto Company, but we would
15	occasionally receive questions about the former
16	Monsanto's involvement in the production of Agent
17	Orange, and we would work to provide accurate
18	information about that.
19	BY MR. ESFANDIARY:
20	Q You agree that Monsanto has been
21	Monsanto since the early 20th Century, correct,
22	sir?
23	A The name "Monsanto" has has been the
24	same. The the structure and the ownership of
25	the company has changed over time, as well as the

1 company's business. You know, the Monsanto for 2 the last 20 years of its existence was an 3 agricultural company that did not produce the same 4 type of chemical products that the former company 5 did. 6 0 Part of that reason being that Roundup 7 was hugely successful financially for Monsanto, 8 correct? 9 MR. PARISER: Objection to scope, and 10 form, foundation. 11 THE WITNESS: I mean, Roundup was 12 transformative for the company and for -- and for 13 agriculture, because of its -- because of its many 14benefits for our -- for our customers. And so 15 certainly for the -- for the Monsanto agricultural 16 company, Roundup was a very -- a very important 17 product. 18 BY MR. ESFANDIARY: 19 0 Take a look at the first page of the 20 attachment there, under the main heading. Ιt 21 says, "On mainstream media, social media, and 22 employee communications, we recommend an approach 23 that seeks to include Monsanto's voice in the 24 conversation about IARC and glyphosate, but as

<sup>25</sup> much as possible, defer to other positive voices

from industry, academia, and elsewhere." 1 2 Do you see that, sir? 3 Α I do see that. 4 0 Does Monsanto prefer to defer to 5 third-party voices when responding to the IARC 6 classification, because of the company's 7 reputational problems? 8 Α No, I think it largely depends on 9 Monsanto certainly expressed its views context. 10 about the IARC opinion in a -- in a number of 11 forums. We felt very strongly that the IARC 12 opinion was incorrect, and was an outlier from the 13 conclusions of the EPA, and EFSA, and regulatory 14 bodies around the world. 15 And so we were very forthright in our 16 statement about -- about our opinions, and about 17 the science. You know, we certainly did reach out 18 to others who care about glyphosate, whether 19 that's in academia, or within agriculture, to 20 inform them about the classification. We were 21 pleased to see that many of them shared our 22 concerns, and raised their voices as well. But 23 we -- we certainly did not defer to them 24 exclusively. We were very forthright with our 25 views.

Confidential - Pursuant to Protective Order 1 Ms. Link says that Monsanto should be 0 2 deferring to these third parties as much as 3 possible, correct? MR. PARISER: Objection, Foundation, 4 5 scope. 6 THE WITNESS: That's -- that's what's 7 written in - in this particular document. 8 BY MR. ESFANDIARY: So Monsanto's -- part of Monsanto's 9 0 10 plan, in responding to IARC, was to get its 11 messages -- get Monsanto's messages regarding the 12 IARC classification out there, but ideally, at an 13 arm's-length from Monsanto, correct? 14 MR. PARISER: Objection to form. 15 THE WITNESS: That's what's written 16 in -- you know, in this document, as much as -- as 17 much as possible. This -- this document is a 18 reflection of the view -- views of one plan at one 19 point in time. 20 As we moved forward, after the IARC 21 classification, again, we were very forthright in 22 engaging with agriculture groups, engaging with 23 reporters, engaging on social media, to share --24 to share the company's views. We -- you know, we 25 kept our -- we kept agriculture groups and others

informed. We were pleased that many of them
continued to speak out as well about what they saw
as an inaccurate classification. But Monsanto was
always very, again, I'll just -- very forthright
in sharing our views about the classification.
BY MR. ESFANDIARY:

7 Let me just break that down a little 0 8 bit. In the first part of your answer, you 9 mentioned that this is just an initial plan, and 10 this was generated before the IARC classification. 11 I'd just like to turn your attention to Ms. Link's second sentence there. She says, "Best 12 13 case scenario is that these other voices take on 14 the bulk of the communication about IARC and 15 glyphosate." 16 So Monsanto's ultimate goal was to ensure that the majority of its messaging 17 18 regarding IARC was issued through the third 19 parties, correct? 20 MR. PARISER: Objection to scope, form, and foundation. 21 22 THE WITNESS: Again, that's what's 23 written in one plan at one point in time. 24 BY MR. ESFANDIARY: 25 Q Do you have any reason to believe that

1 Monsanto did not try to achieve this goal? 2 Α I think, over the -- over the course of 3 time, we took a very proactive stance in our -- in 4 our communications about the -- about the IARC 5 opinion. Again, other organizations certainly 6 weighed in as well. But we -- we were 7 deliberately very proactive in defending the 8 safety and the benefits of our product. We're 9 very proud of Roundup, and its history of safe 10 And we were very proactive in communicating use. 11 and sharing information about that. 12 Q Right. In an effort to live up to 13 Monsanto's pride of Roundup, would it be important 14 for the company to defend the product, ideally, 15 through third parties, so as such not to raise 16 some of these reputational challenges identified

17 by Ms. Link in this plan, correct?

18 MR. PARISER: Objection to form. 19 THE WITNESS: No, I -- I don't agree 20 with that characterization. Third-party 21 engagement was an element in the plan. But 22 Monsanto did take, and continues to take, a very 23 front-footed position in helping engage with 24 reporters, stakeholders, and society at large, to 25 explain our views about the safety of the product.

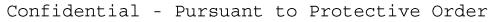
Confidential - Pursuant to Protective Order 1 BY MR. ESFANDIARY: 2 Now, at the time of generating this 0 3 response plan, Monsanto had not yet read the IARC 4 monograph on glyphosate, correct? 5 Α That's correct. And that's why you'll 6 see multiple scenarios in the -- in the document. 7 If you turn to page 5 of the attachment, 0 there is an anticipated timeline subsection there. 8 9 And below the anticipated -- anticipated timeline, 10 it says, "February 27th," and that's, again, 11 before the IARC monograph, correct? 12 Α Correct. 13 It says, "Henry Miller Forbes piece is 0 14 published. Monsanto amplifies via third-party 15 channels." Do you see that, sir? 16 А I do. 17 Q Do you know who Henry Miller is? 18 I do. Α 19 Q Have you worked with him? 20 I've never personally directly met Α 21 Dr. Miller, no. 22 You've e-mailed him, though, correct? 0 23 Α No. 24 Have you sent e-mails to your colleagues 0 25 at Monsanto that you then expected or understood

Confidential - Pursuant to Protective Order 1 to be forwarded to Mr. Miller? 2 Α Yes. 3 Did Monsanto coordinate with Mr. Miller 0 4 in publishing an article on IARC before the 5 decision? 6 MR. PARISER: Objection to scope, 7 foundation. 8 THE WITNESS: That is listed here in the anticipated timeline. I don't recall whether 9 10 there was a piece specifically prior to the 11 classification announcement or not. 12 BY MR. ESFANDIARY: 13 Are you aware that Mr. Miller's 0 14articles, though published on Forbes' website, 15 have been retracted by the -- by the journal? 16 MR. PARISER: Objection to form. 17 THE WITNESS: I -- I understand that the 18 pieces have been taken down. I think we need to 19 be clear about what the Forbes website is. Ι 20 wouldn't say -- it's not an academic journal, or a 21 scholarly journal. It's -- it's a website where 22 Dr. Miller was an opinion contributor. 23 BY MR. ESFANDIARY: 24 Do you -- are you aware that Forbes' 0 25 reason for pulling down Dr. Miller's articles was

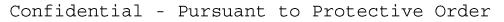
Confidential - Pursuant to Protective Order undisclosed conflict of interest with Monsanto 1 2 Company? 3 MR. PARISER: Object to the scope of all 4 this questioning, and foundation. 5 THE WITNESS: I can't speak to the 6 specific -- the specific reasons given by Forbes, 7 but again, I'm aware that the opinion pieces were 8 taken down. 9 BY MR. ESFANDIARY: 10 All right. If you turn back to -- turn 0 11 back a page to page 4. I'm sorry, I know the 12 pages aren't numbered. It's a bit tricky. 13 Α It's okay. 14 In the paragraph -- the second paragraph 0 15 down from the top, "GMO answers and 16 Discover.Monsanto.com," it says, "Canned text 17 responses should be developed in advance for 18 responding to questions specifically about IARC's 19 ruling." Do you see that, sir? 20 Α I do. 21 So in advance of IARC's ruling, Monsanto Q 22 was -- had preprepared -- or it had canned 23 statements ready about the classification, 24 correct? 25 MR. PARISER: Objection to scope.

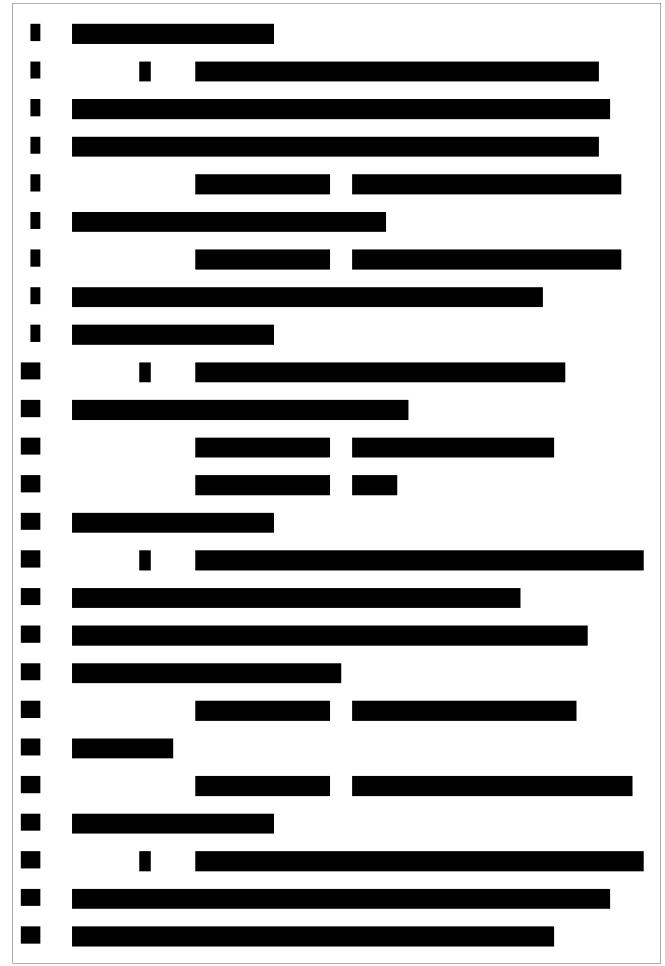
1	THE WITNESS: Within this context, I
2	think, you know, that the plan is simply saying
3	that a template or draft responses should be
4	should be prepared in advance. So whether it was
5	on the Discover Monsanto website, or the GMO
6	Answers website, which is an industry website,
7	those statements could be prepared and ready to go
8	as quickly as possible.
9	BY MR. ESFANDIARY:
10	Q A canned response, though, is a type of
11	response that you would give to questions,
12	regardless of what the question is seeking to
13	seeking an answer to, correct? You're giving the
14	same response?
15	A That's not my understanding of the word
16	in this in this context.
17	Again, here, this is a preparedness
18	plan, talking about different different
19	channels that would be used at the time the
20	opinion came out. And so I think, in this case,
21	"canned" would mean more like a draft or
22	preprepared.
23	Q It doesn't say "draft," though, does it?
24	It says "canned."
25	A And I'm just I'm explaining to you my
~ 11	

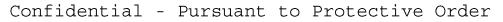
1 understanding, based on the context in this 2 document, of what that word would mean. 3 0 You agree that the word "draft" could 4 have been used to explain the concept that you 5 just did in this document, correct? 6 MR. PARISER: Objection, scope, 7 foundation, argumentative. 8 THE WITNESS: Yes, in my understanding 9 of how the word is used here, "draft" would have 10 been an alternative word that could have been 11 used. 12 BY MR. ESFANDIARY: 13 Was it Monsanto's intention to 0 14 orchestrate an outcry with the IARC decision? 15 MR. PARISER: Objection to form and 16 scope. 17 THE WITNESS: No, that's not how I would 18 characterize what our approach was at the time. Ι 19 would say our approach would have been to inform 20 stakeholders, to share information with them, to 21 invite them, and encourage them even to speak out. 22 I'm aware that that characterization has 23 been used in certain documents, but it's not how I 24 would characterize our approach.

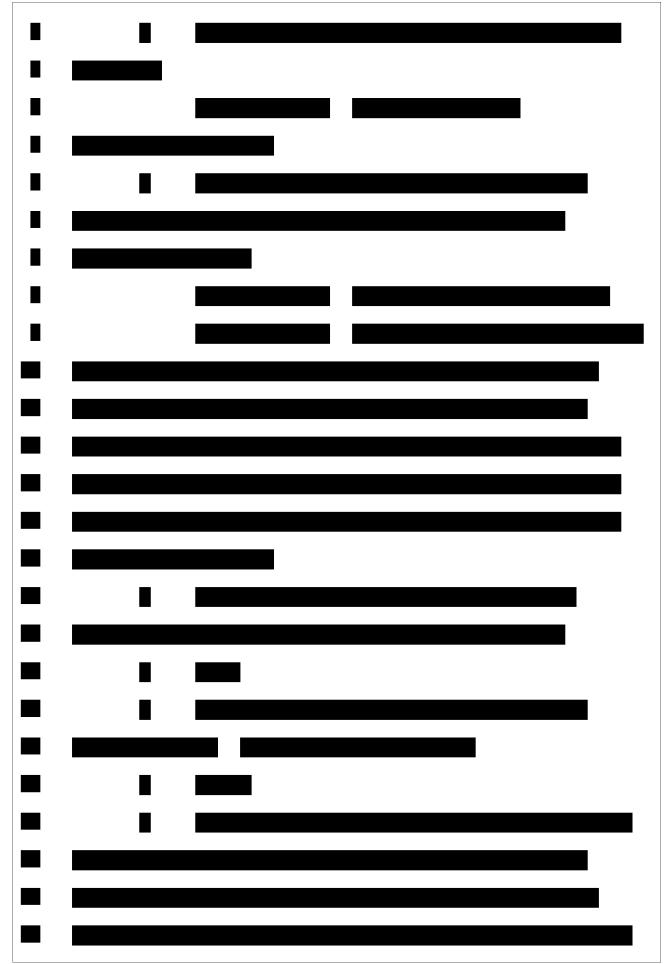


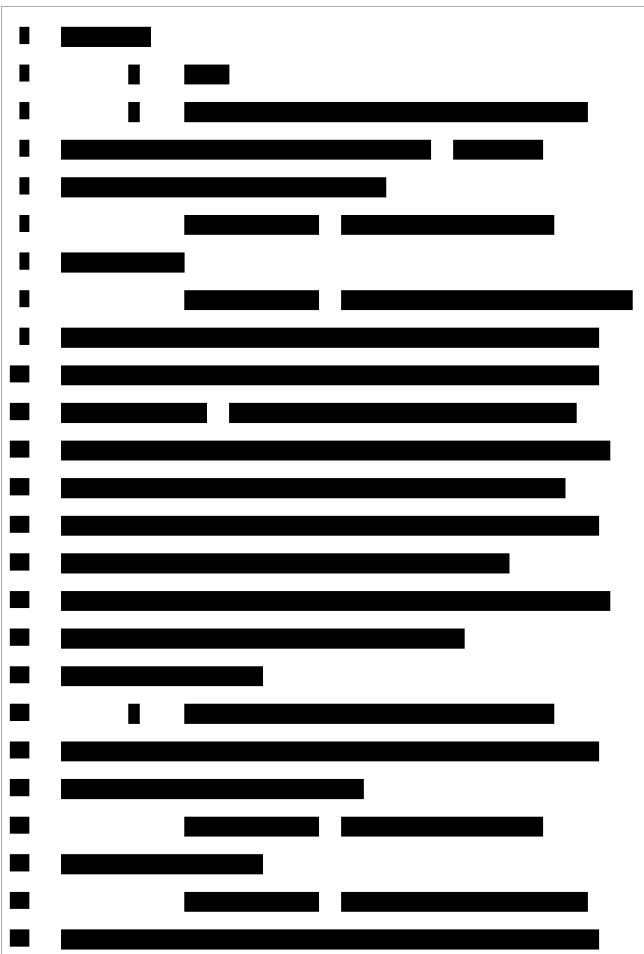




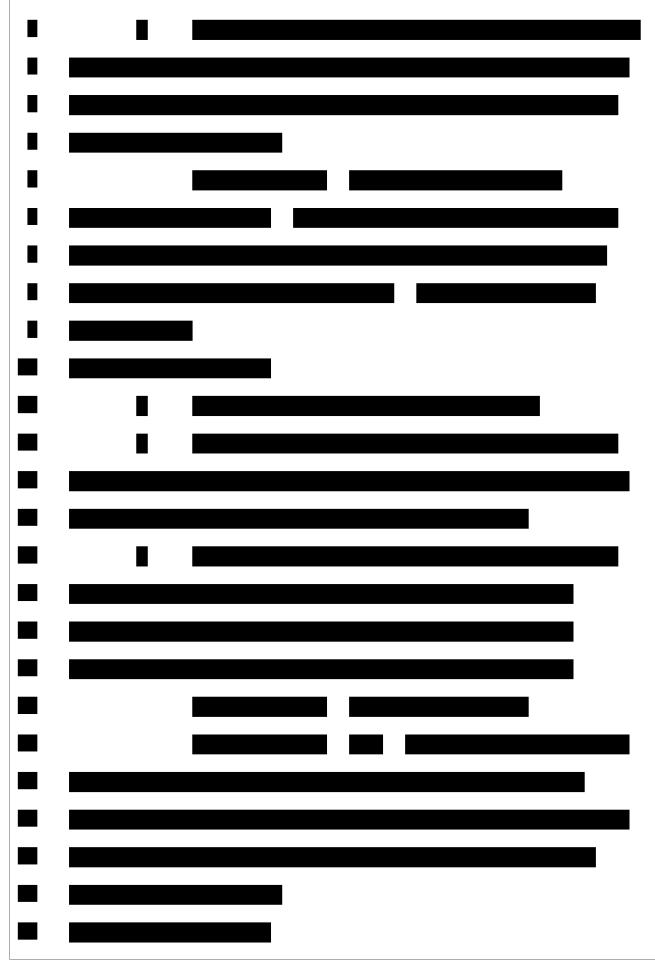




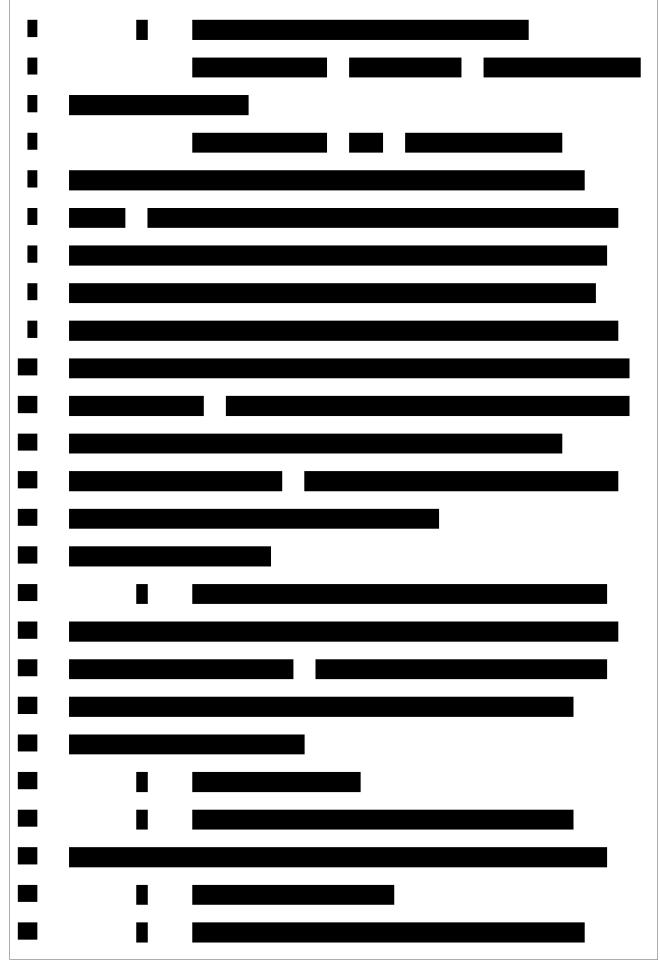


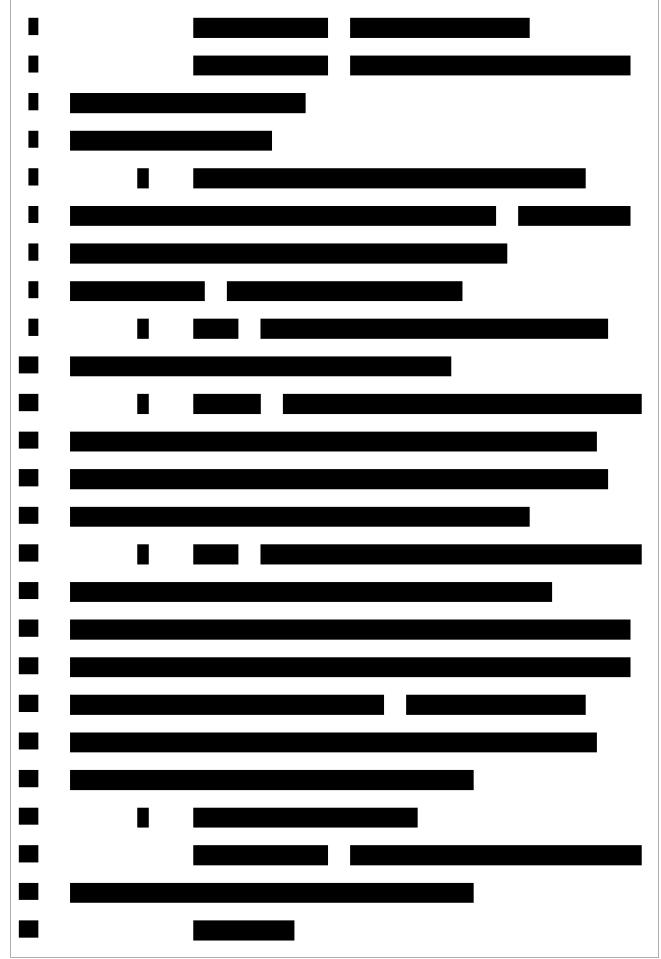


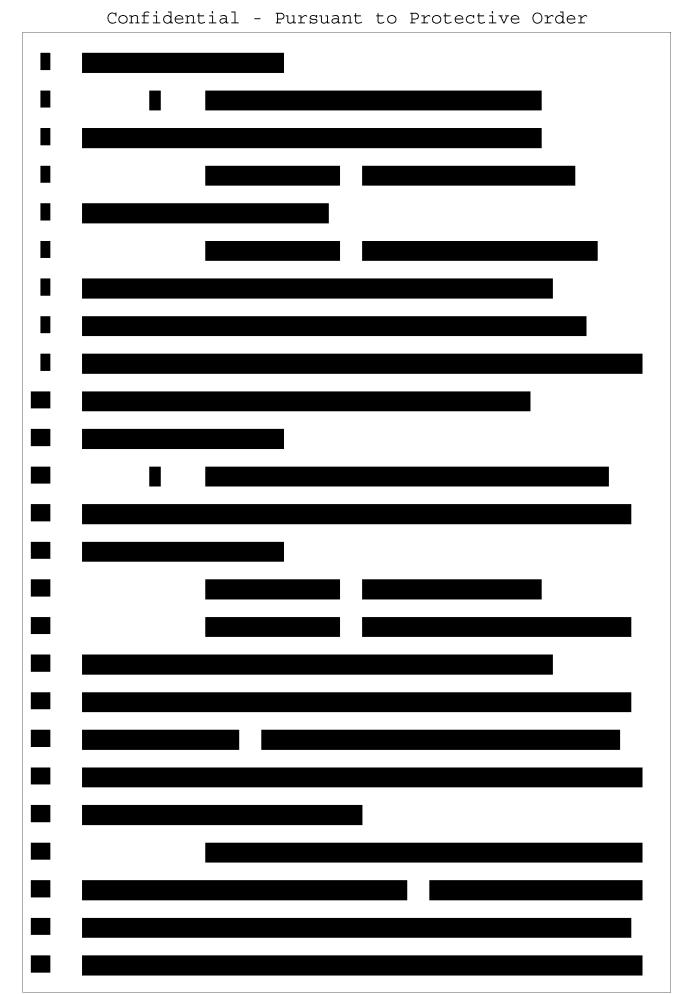
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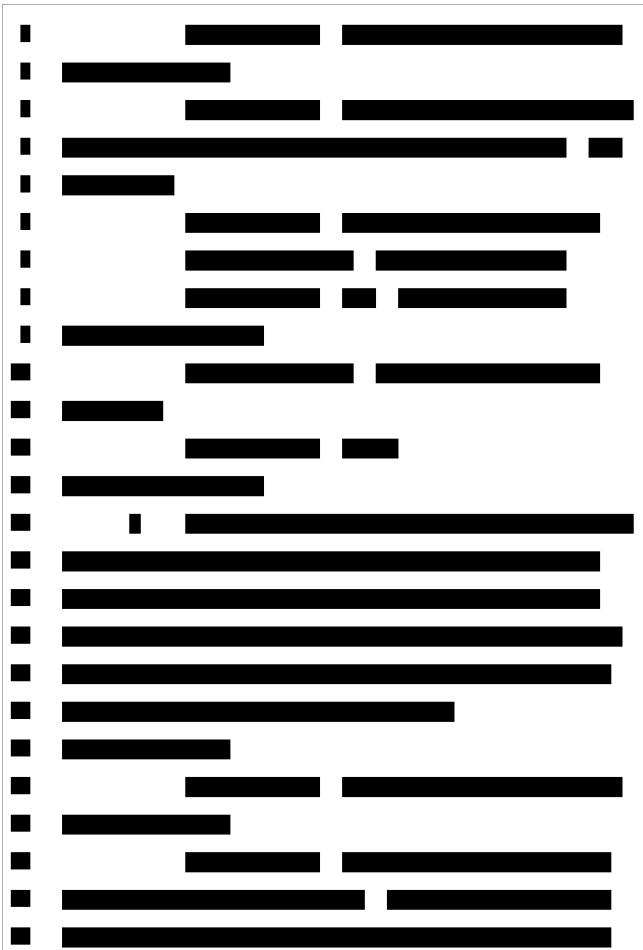


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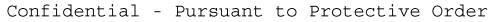


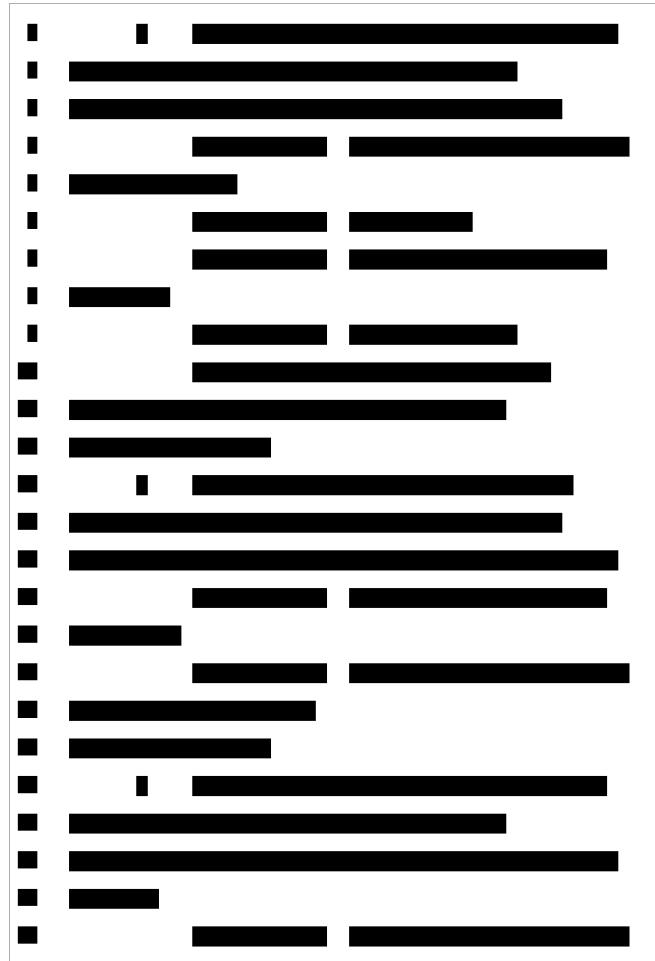


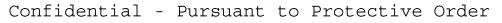


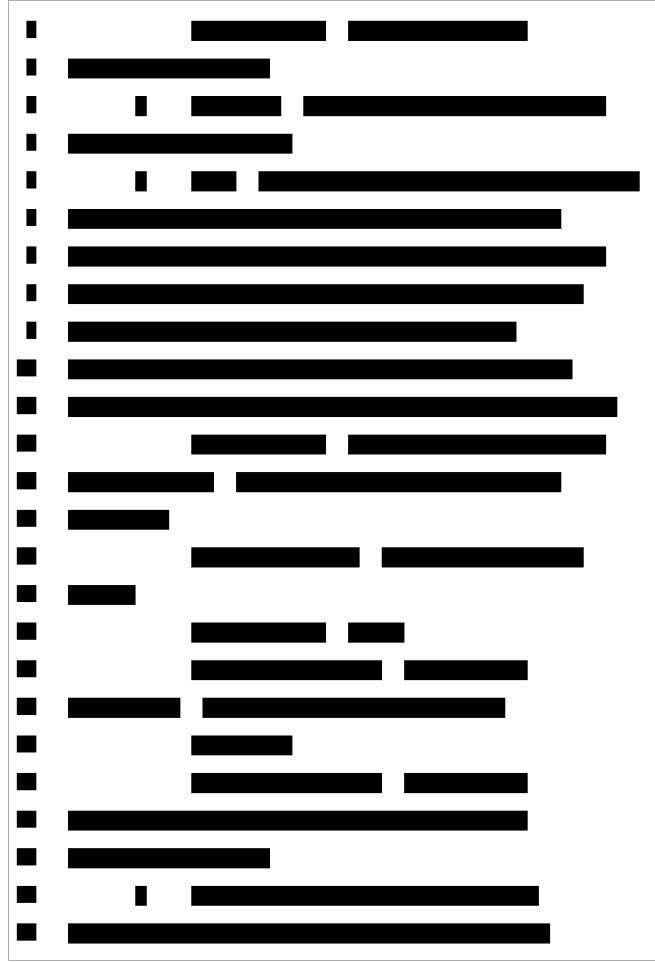
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6	BY MR. ESFANDIARY:
7	Q So let's take a look at a document of
8	what Monsanto had to say before the lawsuit was
9	filed.
10	(Murphey Exhibit No. 9 was marked
11	for identification.)
12	BY MR. ESFANDIARY:
13	Q I want to mark as Exhibit No. 9 to your
14	deposition, sir
15	Now, this is a document produced by
16	Monsanto in this litigation. The Bates number is
17	MONGLY03316369. It's called "IARC Follow Up."
18	And if you turn to the metadata at the end of the
19	document, it identifies its date of creation as
20	July 6th, 2015.
21	Have you seen this document before, sir?
22	A Let me just orient myself real quick.
23	(Peruses document.)
24	Yes, I've I've seen this document
25	before.

Confidential - Pursuant to Protective Order 1 0 Okay. Does it appear to have been 2 created in the ordinary course of Monsanto's business? 3 MR. PARISER: Objection, foundation and 4 5 form. 6 THE WITNESS: Yes, I believe it was. MR. ESFANDIARY: I'll move this into 7 8 evidence. 9 BY MR. ESFANDIARY: 10 Here it says, "goals." And number (d) 0 says, "Invalidate relevance of IARC." Do you see 11 12 that, sir? 13 I -- I do see it written there. Α 14 MR. PARISER: Objection, foundation. 15 BY MR. ESFANDIARY: 16 So in July of 2015, a couple of months 0 17 after IARC had announced its classification, 18 Monsanto's goal was to invalidate the relevance of 19 IARC, correct? 20 MR. PARISER: Again, objection to scope, 21 objection to form, objection to foundation. 22 I'd also note, the document states that 23 it's attorney work product, attorney-client 24 privilege. I don't know the full context of this 25 document.

Confidential - Pursuant to Protective Order 1 MR. ESFANDIARY: It was shown in open 2 court. 3 MR. PARISER: Okay. Thank you for that 4 clarification. This was an exhibit in the Johnson 5 case? 6 MR. ESFANDIARY: Yeah. 7 MR. PARISER: Thank you. 8 THE WITNESS: So I see the point written there. 9 I think the context around it is 10 important, where it's talking about the 11 retraction -- you know, the need for retraction, clarification, minimization, you know, preventing 12 13 future bad decisions on other -- on other 14products. I think in that overarching context, 15 that helps clarify what -- you know, what the 16 author of the document was suggesting. 17 BY MR. ESFANDIARY: 18 But at the time of when this document 0 19 was created, after Monsanto finds out about the 20 IARC decision, the company's plan was to eliminate 21 or invalidate the relevance of IARC, correct? 22 MR. PARISER: Objection, misstates 23 evidence, form. 24 I mean, we did -- we THE WITNESS: No. 25 did ask, and have asked for the opinion to be --

-	
1	to be clarified. We've asked for it to be, you
2	know, retracted. We have raised questions, you
3	know, about how IARC arrived at a conclusion that
4	is very inconsistent from regulatory bodies
5	around around the world. And I think that's
6	what's reflected by the overarching goal number 1
7	here.
8	BY MR. ESFANDIARY:
9	Q I understand that's the answer that
10	you're giving now. But internally, in July of
11	2015, Monsanto identifies as a goal, as the
12	company's goal, to invalidate the relevance of
13	IARC, correct?
14	MR. PARISER: Same objections.
15	THE WITNESS: That is that is written
16	here, among several other points.
17	BY MR. ESFANDIARY:
18	Q Including the one to retract the IARC
19	decision, correct?
20	A Yes.
21	Q Number 3 there at the bottom says,
22	"Litigation prevention/defense." Do you see that,
23	sir?
24	A I do.
25	Q Who is McClain?
1	

A Mr. McClain was part of the Monsanto law
department at this time.
Q Now, would did Monsanto believe that
invalidating the relevance of the IARC decision
would help with its litigation defense?
MR. PARISER: Objection to scope,
objection to form, and to the extent he's
asking you about opinions with lawyers, or rather,
discussions with lawyers
MR. ESFANDIARY: I'm not.
MR. PARISER: I'd instruct you not to
answer. If you can answer the question without
doing so, you may.
THE WITNESS: I do think that, you know,
Monsanto was aware at the time that litigation
was was likely. And so I think that's why that
was listed as a goal as a goal there. You
know, as to whether, you know, the work around
retraction and clarification would be important to
the litigation, I don't think I'm competent to
answer that.
BY MR. ESFANDIARY:
Q Number 2 says, "Protect regulatory
freedom to operate." Do you see that?
A I do.

Confidential - Pursuant to Protective Order 1 And underneath that, it says, 0 2 "Re-registration. No ban/restrictions. Prop 65." 3 Are you familiar with Prop 65? 4 Α I am. 5 Do you understand Prop 65 to entail the 0 6 State of California's initiative to identify 7 qlyphosate as a chemical known to the state to 8 cause cancer? MR. PARISER: Objection to form, and 9 10 this is outside the scope. 11 THE WITNESS: Yes. My -- my 12 understanding is that, on the basis of the IARC 13 opinion of glyphosate, the State of California 14 proceeded to add glyphosate to its Proposition 65 15 list. 16 BY MR. ESFANDIARY: 17 So invalidating the relevance of IARC 0 18 would assist Monsanto's efforts in preventing a 19 Prop 65 listing from occurring, correct? 20 MR. PARISER: Same objections. 21 THE WITNESS: My -- okay. My 22 understanding is the sole -- the sole basis of the 23 Proposition 65 listing is the IARC opinion. And that is even counter to the State of California's 24 25 own prior assessments that glyphosate is -- is not

Confidential - Pursuant to Protective Order carcinogenic. 1 2 BY MR. ESFANDIARY: 3 0 Sir, that wasn't my question. That was 4 not responsive to my question at all. 5 My question to you was, was invalidating 6 the relevance of IARC a part of Monsanto's efforts 7 in ensuring that there would be no Prop 65 listing 8 of glyphosate in California? 9 MR. PARISER: Same objections. 10 THE WITNESS: We certainly disagree with 11 the Proposition 65 listing, yes. We took legal 12 action to try to prevent that listing, because we 13 don't see -- we don't believe the IARC opinion to 14be correct, and we don't believe that it should be 15 the basis for the listing. 16 BY MR. ESFANDIARY: 17 And invalidating the relevance of IARC 0 18 would assist Monsanto in ensuring that glyphosate 19 would not be listed pursuant to Prop 65, correct? 20 MR. PARISER: Same objections, and 21 foundation, asked and answered. 22 THE WITNESS: I -- I mean, the decision 23 of whether or not, ultimately, to -- to keep 24 glyphosate on the Proposition 65 list is outside 25 of Monsanto's control. That's a decision in the

1 hands of the state and the courts. 2 What we felt was important to -- was to 3 provide context around that listing, and context 4 around the IARC -- the IARC opinion as the basis 5 for that listing, because, again, we -- we 6 disagree with the IARC opinion. We disagree with 7 the listing. 8 BY MR. ESFANDIARY: 9 Providing context, would that include 0 10 invalidating the relevance of IARC? 11 MR. PARISER: Same objections. 12 THE WITNESS: That would include raising 13 questions about the relevance of IARC. It would 14 include raising questions about the IARC process. 15 It would include clarification, you know, and 16 preventing future bad decisions, all of which are 17 listed there. 18 BY MR. ESFANDIARY: 19 Do you know if, at this point in time, 0 20 this document was created in July 2015, whether 21 IARC had published it's monograph yet? 22 I would have to look at the specific Α 23 dates. I believe it was sometime that summer when 24 the monograph was published. I don't remember the 25 exact date, though.

1	Q You understand the monograph to be a
2	comprehensive document, spanning about 90 pages or
3	so, correct?
4	MR. PARISER: Objection to form.
5	THE WITNESS: I don't recall the
6	specific length, but if it wouldn't surprise me
7	if about 90 pages is correct.
8	BY MR. ESFANDIARY:
9	Q Have you read it?
10	A I have read pieces of it. I have not
11	read the entire thing.
12	Q Okay. And do you agree that, in order
13	to be able to criticize the IARC decision with a
14	grounding in fact, you would, in fact, need to
15	read the IARC monograph?
16	MR. PARISER: Objection to scope.
17	THE WITNESS: No, I disagree with that.
18	I think there are pieces of the monograph that are
19	fairly accessible to a lay reader like like me.
20	There are other pieces, where it was far more
21	helpful to sit with our Monsanto scientists, who
22	have, you know, doctoral degrees in various
23	scientific fields, and talk through the opinions
24	in the monograph directly with them.
25	I wanted to make sure I had a good

1 understanding. And so I think having those --2 having those conversations, and asking questions 3 of our scientists was much more helpful to me than 4 trying to figure it all out on my own. 5 BY MR. ESFANDIARY: 6 0 So if -- did you have a conversation 7 with Bill Heydens about the IARC classification? 8 Α Among others, yes. 9 And -- scratch that. 0 10 Did you form an opinion, when you read 11 pieces of the IARC monograph, that IARC was indeed 12 irrelevant? 13 MR. PARISER: Objection to form and 14scope. 15 THE WITNESS: I formed my opinion --16 yes, in part, through some of the reading on my 17 But I think the conversations with our own. 18 Monsanto scientists, who are experts in their 19 various fields, I think that was much more helpful 20 to me in understanding the context of the IARC 21 opinion. And that it was a -- was and is a 22 complete outlier from regulatory agencies. 23 BY MR. ESFANDIARY: 24 And at the time this document was 0 25 created, Monsanto perceived IARC to have relevance

1	in the scientific community, such that it needed
2	to invalidate that relevance, correct?
3	MR. PARISER: Objection, form,
4	foundation, asked and answered.
5	THE WITNESS: I don't I don't think I
6	can provide further context to what's written here
7	on on the paper, that, you know, that there
8	was there was a call for retraction. There
9	were calls for clarification. You know, but I
10	wouldn't want to speculate on any additional
11	context.
12	MR. ESFANDIARY: Mark as Exhibit No. 10.
13	(Murphey Exhibit No. 10 was marked
14	for identification.)
15	BY MR. ESFANDIARY:
16	Q Sir, this is an e-mail from Ms. Link
17	dated February 12th, 2015. It's about a month
18	before the IARC classification. The subject is,
19	Revised IARC Reactive Messaging, and the Bates
20	number is MONGLY01021708.
21	Have you seen this document before?
22	A Yes.
23	Q Okay. And Ms. Link says, "Attached
24	please find revised messaging for IARC." Do you
25	see that?

Confidential - Pursuant to Protective Order 1 А I do. 2 0 And if you turn to the attachment 70 --3 ending in Bates number 709, draft, February 12th, 2015, "Glyphosate key talking points following 4 5 IARC's decision. This component represents the 6 orchestrated outcry that could occur following the 7 March 3 to 10th IARC monograph expert meeting." 8 Do you see that, sir? 9 MR. PARISER: And please give the 10 witness ample time to review the document before 11 he answers questions about it. 12 THE WITNESS: (Peruses document.) 13 Yes, I -- I see the sentence you're 14referring to. 15 BY MR. ESFANDIARY: 16 So now we have two plans created leading 0 17 up to the IARC classification, where Monsanto 18 identifies its efforts in responding to the IARC 19 classification as entailing an orchestrated 20 outcry, correct? 21 MR. PARISER: Objection to scope, 22 foundation. 23 THE WITNESS: No, I think this -- this 24 document is really just a set of key talking 25 points that would be shared with various groups as

part of preparation for the IARC opinion to be published. Then whether those groups actually used any of these points, or issued any communications, or responded to any inquiries would be their decision to make.

6 BY MR. ESFANDIARY:

7 Q I wasn't asking about those groups. I 8 was asking about Monsanto's plan, where it's 9 identified, this component represents the 10 orchestrated outcry that could follow -- that 11 "could occur following the March 3 to 10th IARC 12 monograph expert meeting."

And my question to you, sir, was, we've now looked at two documents, where Monsanto characterizes its efforts in responding to IARC as creating an orchestrated outcry, correct?

MR. PARISER: Objection to scope, and
 objection, asked and answered. He's addressed
 this language in numerous previous questions.

THE WITNESS: Yes, this is the second document that uses those -- uses those particular words. But again, I -- I think this is a set of talking points, or actually, several sets of talking points that would be provided to different groups for their review, and to use, whether they

Confidential - Pursuant to Protective Order 1 chose to do so or not. 2 BY MR. ESFANDIARY: 3 0 So we have employees in the Monsanto 4 Corporation using the term "orchestrated outcry" 5 to refer to the efforts across two documents, but 6 here today now, you're saying that that's not 7 actually what happened. 8 MR. PARISER: Objection to scope, form, 9 foundation, asked and answered. 10 THE WITNESS: No, what I'm -- what I 11 have explained in several responses now, is that 12 the -- the efforts that Monsanto undertook, after 13 the IARC opinion was published, involved, yes, 14engagement with third parties to provide 15 information, share talking points, and other 16 resources. But then outreach to the media, to 17 ensure balance and accuracy, and the right context 18 and perspective on the science in -- in their 19 coverage of -- of our product. 20 BY MR. ESFANDIARY: 21 Sir, you use words like "balance," Q 22 "accuracy," so forth. I have not seen a single 23 one of the words that you identified in any 24 Monsanto plan that we have looked at today. 25 MR. PARISER: Objection to form. Ιs

Confidential - Pursuant to Protective Order that a question? 1 2 BY MR. ESFANDIARY: 3 0 Correct? In the -- in the ten or so documents 4 Α 5 today, I don't recall seeing those specific --6 those specific words, but I can tell you, when I 7 have conversations with my colleagues, we often 8 are discussing our goal to strive -- to strive for balance in -- in reporting about our company and 9 10 about our products. 11 You're telling me that -- to me now, but 0 12 your colleagues, in plan after plan, are talking 13 about orchestrating an outcry with the IARC 14 decision, correct? MR. PARISER: Objection to form, scope, 15 16 and foundation. 17 THE WITNESS: Yes, we've looked at two 18 documents where -- where that particular wording 19 has -- has been used. 20 And again, in the context of this 21 particular document, what -- what I'm explaining 22 is that these were talking points that were 23 developed and shared. And then the individual 24 groups were free to adopt them, to discard them, 25 you know, whatever they chose to do.

Confidential - Pursuant to Protective Order 1 BY MR. ESFANDIARY: 2 0 If you look at the key industry points here, and it's talking about a 2B decision. 3 And 4 that it's -- a 2B decision would be a possible 5 carcinogen, correct? 6 Α Yes, that's what 2B would have meant. 7 2A is probable human carcinogen, which 0 8 is what glyphosate was -- glyphosate was 9 categorized in, and 2B is a possible carcinogen, 10 correct? 11 А That's my understanding. 12 0 And it says here that the 13 classification -- the 2B calculation does not 14establish a link between glyphosate and an 15 increase in cancer. Possible simply means not 16 impossible. Sir, what does "probable" mean? 17 MR. PARISER: Objection to form and to 18 scope. 19 THE WITNESS: I would need to see a 20 document from IARC that explains exactly what that 21 means. 22 BY MR. ESFANDIARY: 23 0 Well, what would Monsanto's 24 interpretation of "probable" be, given that 25 Monsanto is giving its interpretation of

Confidential - Pursuant to Protective Order 1 "possible" in this document? 2 MR. PARISER: Objection, outside the 3 scope, foundation. 4 THE WITNESS: I -- I don't know exactly 5 what the author of this document based that 6 definition on, and so I really would feel like I 7 would just be speculating if I -- if I gave you 8 something without the -- without looking at an 9 IARC document as a reference point. 10 BY MR. ESFANDIARY: 11 You agree that this definition given by 0 12 Monsanto in this document as to "possible" is not 13 the IARC definition of "possible," correct? 14 MR. PARISER: Same objections. 15 THE WITNESS: I don't know. I don't 16 know that, one way or the other. 17 BY MR. ESFANDIARY: 18 On a basic level of denotation, you 0 19 agree with me that probable means likely? 20 MR. PARISER: Objection to form and 21 scope. 22 THE WITNESS: I -- I think -- yeah --23 BY MR. ESFANDIARY: 24 It's a silly question. Never mind. 0 25 MR. PARISER: Are you going to withdraw

Confidential - Pursuant to Protective Order 1 the question? 2 MR. ESFANDIARY: I'm going to withdraw 3 the question. THE WITNESS: Thank you. 4 5 MR. KRISTAL: I thought that was the 6 best question all day. 7 MR. ESFANDIARY: Thank you for your 8 faith in me, Jerry. 9 MR. PARISER: I'm trying not to comment. 10 (Murphey Exhibit No. 11 was marked 11 for identification.) 12 BY MR. ESFANDIARY: 13 All right. Mr. Murphey, let's take a 0 14 look at this one. It's MONGLY00866643. And it 15 says, "Issues Plan, Farm Aid/Neil Young, Draft -16 Updated September 16, 2015." 17 Do you see that, sir? 18 I do see that. Α 19 Have you seen this document before? Q 20 I believe I have, but I'd like to take a Α 21 minute to familiarize myself again with it, 22 please. 23 0 Sure. 24 А (Peruses document.) Okay. 25 Q Does it appear to have been created in

1 the ordinary course of Monsanto business? 2 MR. PARISER: Objection to form. 3 THE WITNESS: Yes. 4 MR. PARISER: Foundation. 5 MR. ESFANDIARY: I'll move this into 6 evidence as well. 7 BY MR. ESFANDIARY: 8 If you would please turn to page ending 0 9 And it says, in the middle of the page, in 648. 10 it says, "IARC," is the heading, messages from 11 July 14th, 2015, Issue Alert. And it says, "Any 12 time someone claims to have found a safety issue 13 with one of our products, we take it very 14 seriously and review their evidence closely. We 15 will do the same with the IARC monograph." 16 Do you see that, sir? 17 Α Yes. 18 And we saw earlier that even before 0 19 Monsanto had read the monograph, Monsanto was 20 planning rebuttal messages in response to the 21 classification, correct? 22 MR. PARISER: Objection to form, scope, 23 foundation. 24 THE WITNESS: Yes. Monsanto employees 25 were preparing for multiple scenarios in advance,

1 knowing that there could -- that IARC could 2 classify the product in one of -- any of its 3 different categories. And so different scenarios 4 were planned then.

5 And then several months before this 6 document, in March, when the opinion came out, the 7 Lancet piece, you know, at a high level, began to 8 explain the opinion. And so Monsanto scientists 9 were, you know, throughout that process, gaining a 10 deeper understanding of -- of the IARC -- the IARC 11 conclusion.

12 BY MR. ESFANDIARY:

13 My question -- my question is about, in 0 14the plans that Monsanto prepared prior to even 15 seeing the monograph, Monsanto is talking about 16 rebutting -- neutralizing the IARC decision. 17 My question to you is, can Monsanto talk about IARC or criticize IARC in an informed way, 18 19 without having read the monograph yet? 20 MR. PARISER: Objection to form, scope. 21 THE WITNESS: Yes. Monsanto scientists 22 have a deep familiarity with the data behind --23 behind glyphosate, the extensive data that shows 24 that glyphosate can be used safely, and that it's 25 not a carcinogen.

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1	And so at a fundamental level, you know,
2	our scientists already knew that a classification,
3	you know, in anything other than probably not
4	carcinogenic would be inconsistent with that
5	overwhelming scientific evidence, and inconsistent
6	with the conclusions of the EPA and regulators
7	around the world.
8	So I think we were very confident, based
9	on based on that knowledge that our scientists
10	have, in developing those scenarios. And then
11	certainly as our scientists reviewed the
12	monograph, we got a deeper understanding of those
13	deficiencies with its opinion.
14	BY MR. ESFANDIARY:
15	Q So I'm just going to break down what you
16	said. You said that Monsanto has already made up
17	its mind about the scientific data before having
18	even seen it.
19	MR. PARISER: Objection,
20	mischaracterizes testimony, and incomplete

20 mischaracterizes testimony, and incomplete

21 characterization of testimony.

THE WITNESS: Yes, in -- in this context, you know, where you're talking about an agency that was -- in IARC, that was looking at a subset of the data, after glyphosate and

glyphosate-based products had been on the market for 40 years, our scientists were very familiar, you know, they're experts in the safety of -- in the safety of this product.

5 And certainly as new -- as new 6 scientific claims come to the front, they do --7 they look at them, they analyze them. They 8 certainly did that here with, you know, with the 9 IARC monograph. But they -- they were confident 10 in their knowledge that a classification of 11 glyphosate in category 2A or 2B, again, anything 12 but probably not carcinogenic, would not be 13 accurate.

14 Q You would agree with me that science is 15 an ever-evolving process?

MR. PARISER: Objection, vague, outside the scope.

18 THE WITNESS: I -- I do. My

<sup>19</sup> understanding, again, based on, you know,

20 conversations with scientists is, yes, it is -- it

<sup>21</sup> is ever-evolving.

22 BY MR. ESFANDIARY:

23 Q So --

A But in the context of the IARC monograph, IARC hadn't looked at anything new.

1	The data the data that IARC examined had
2	already been looked at by the EPA and regulatory
3	bodies around the world on multiple occasions.
4	Q So your testimony is that despite
5	science being an ever-evolving process, it's
6	appropriate for Monsanto to make its mind up about
7	a piece of scientific data without having first
8	seen it?
9	MR. PARISER: Objection to scope,
10	misstates testimony.
11	BY MR. ESFANDIARY:
12	Q Correct?
13	A Yes. In the context of this the IARC
14	monograph, which didn't look at new data, which
15	only looked at a subset of what EPA and other
16	regulators around the world had already examined
17	in the course of their conclusions that glyphosate
18	is not carcinogenic, I think our scientists
19	were were very confident in quickly assessing
20	that the IARC opinion was flawed. And their
21	that assessment evolved over time, as we got
22	additional information. But we knew yes, we
23	knew before the IARC announcement that a
24	classification of glyphosate in any category but
25	probably not carcinogenic would not be accurate.

Confidential - Pursuant to Protective Order 1 Well, you say here that Monsanto takes 0 2 new scientific claims very seriously and will 3 closely look at the IARC monograph. 4 Α Yes. 5 0 Right? And at the same time, you say, 6 Monsanto made up its mind before seeing the 7 monograph as to what IARC's -- IARC's conclusion 8 would entail. 9 MR. PARISER: Objection to --10 BY MR. ESFANDIARY: 11 0 Correct? 12 MR. PARISER: Objection to scope, 13 argumentative. 14 THE WITNESS: I'd say we had an -- had 15 an initial assessment of the deficiencies with the 16 IARC opinion that was -- that was refined over 17 time. Again, our science -- our scientists who 18 were -- with whom I was having these conversations 19 have studied glyphosate for many, many years. You 20 know, they had a tremendous amount of 21 understanding and context of the product -- the 22 product already. 23 You know, they were already of the 24 conclusion that glyphosate was not carcinogenic. 25 So when the IARC opinion came out, and was such an

1	
1	outlier, you know, so divergent from the
2	conclusions of the USEPA and EFSA, and regulators
3	around the world, our scientists were very quickly
4	able to say, that is not consistent.
5	And then as the monograph later became
6	available, certainly they did a very thorough
7	assessment of it, to try to understand in even
8	more detail how IARC came to this complete outlier
9	conclusion.
10	BY MR. ESFANDIARY:
11	Q All these scientists that you spoke to
12	at Monsanto are employed by Monsanto, correct?
13	A Correct.
14	Q They all have a vested interest in the
15	product, Roundup, correct?
16	MR. PARISER: Objection to form and
17	scope.
18	THE WITNESS: Yes, they are employees of
19	the company. I think they're also incredibly
20	well-educated, incredibly passionate scientists,
21	who care very deeply about what they do. You
22	know, they care very deeply about safety. And I
23	have absolutely no reason to question the
24	information they've shared with me.
25	BY MR. ESFANDIARY:

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1	Q You know of absolutely no reason to
2	question the information they shared with you?
3	A Right, I am confident I'm confident
4	in their scientific assessment, and very
5	comfortable, you know, that they have been able to
6	thoroughly and clearly explain things to me.
7	Q Are you aware that when the IARC
8	monograph was published, over a hundred scientists
9	published an article setting forth their agreement
10	with the IARC methods and classification?
11	MR. PARISER: Objection to scope.
12	THE WITNESS: I I am aware that,
13	yeah, sometime after the after the IARC opinion
14	came out, there was such a letter. I forget
15	exactly how many scientists signed on to the
16	signed on to the document.
17	BY MR. ESFANDIARY:
18	Q You say in here, "glyphosate is not a
19	carcinogen." Do you agree with me there's a
20	difference between glyphosate and Roundup?
21	MR. PARISER: Objection to scope.
22	THE WITNESS: Yes. Yes, glyphosate is
23	the active ingredient. A Roundup-branded product
24	would be an example of a formulated product.
25	BY MR. ESFANDIARY:

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1	Q Can Monsanto say that Roundup is not a
2	carcinogen?
3	MR. PARISER: Objection to form.
4	Objection to scope.
5	THE WITNESS: There's a there's a
6	tremendous amount of evidence that makes us very
7	confident that Roundup Roundup-branded
8	products, or other glyphosate formulations, are
9	not carcinogenic.
10	BY MR. ESFANDIARY:
11	Q So Monsanto is comfortable stating to
12	the world that glyphosate-based formulations are
13	not carcinogenic?
14	MR. PARISER: Same objections.
15	THE WITNESS: Yes. And I think that
16	that assessment would hinge on multiple types of
17	data, including, for instance, the U.S.
18	Agricultural Health Study, the largest study that
19	ever has ever looked at any connection between
20	glyphosate, glyphosate-based products, and cancer.
21	BY MR. ESFANDIARY:
22	Q I would just quickly like to go back to
23	the previous exhibit there, sir.
24	A Okay.
25	Q Just one last

#### Confidential - Pursuant to Protective Order 1 А No. 10? 2 0 Yes, please. At the top of the page, on 3 the first page of the attachment there, it says, 4 "The proposed approach suggests industry associations and credible third parties lead, and 5 6 Monsanto plays a secondary role to defend its 7 Roundup brand." Do you see that, sir? 8 Α I do see that written there. 9 0 So Monsanto wanted the primary information -- the primary source of the 10 11 information regarding Roundup safety to come from 12 third parties, not itself, correct? 13 MR. PARISER: Objection to foundation, 14 and form, and asked and answered -- this whole 15 line of questioning is asked and answered. 16 THE WITNESS: Yes, I -- I see that 17 that's what's written in the plan here. I think 18 this is a plan that reflects thinking at one point 19 in time. Again, this document is from 20 mid-February of 2015. 21 You know, what I can tell you is that at 22 the -- as we got to the time of the announcement, 23 and in the years since, Monsanto has taken a 24 primary role in defending the safety of product --25 of the product, and, yes, in defending the Roundup

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1	brand. We issued press release, we've done
2	multiple press interviews, we've engaged we've
3	engaged online, to help share information. We're
4	very pleased that a wide variety of third parties,
5	our customer groups, farmer associations, and
6	others, continue to support the safe use of
7	glyphosate as well.
8	And I think we've been very proactive,
9	very front-footed in our in our engagement
10	around the product.
11	BY MR. ESFANDIARY:
12	Q Across two plans now, we've seen
13	Monsanto emphasize the need to defer to third
14	parties in protecting glyphosate's reputation.
15	And your testimony here today is that that's not
16	actually what occurred, correct?
17	MR. PARISER: Objection to foundation,

18 scope, asked and answered.

19 What I'm -- what I'm THE WITNESS: 20 explaining is the plans that we've looked at 21 reflect thinking at one point -- at one point in 22 Plans and approaches can and do -- and do time. evolve. And the approach that we've taken in the 23 24 last few years certainly has put Monsanto in a primary role of speaking out about the safety and 25

the benefits of our product. But we're very glad that our customer groups and others have -- have defended the product as well.

4 BY MR. ESFANDIARY:

5

Q At Monsanto's request?

6 Α In some cases, we've shared with them 7 opportunities where they could engage or speak 8 You know, it's -- where there's a shared -out. 9 there's a shared interest in a product that's as 10 important as glyphosate. Our customers truly rely 11 on it, because of the benefits that it provides to 12 them on a farm. And so, yes, there are -- there 13 are times where we will go to our customers, and 14 you know, share -- share some information with 15 them, and make a -- make a request that they do --16 they do communicate.

17 And that plan identifies, as a primary 0 18 spokesperson for the safety of glyphosate, these 19 other third parties, not Monsanto, correct? 20 MR. PARISER: Objection to the scope. 21 THE WITNESS: This -- this document does 22 lay out a variety of -- a variety of different 23 groups that could have an interest in 24 communicating about -- about glyphosate. I don't 25 think I would say that they have played the

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1	primary role. I think Monsanto, again, has been
2	very has been very direct with press releases
3	and interviews and other communications on the
4	topic. But these groups have all have all
5	spoken out as well.
6	BY MR. ESFANDIARY:

7 Q You agree with me that if the 8 information is coming from these third parties, 9 the average consumer has no way of knowing that is 10 actually Monsanto that is communicating the 11 specific message, correct?

MR. PARISER: Objection to scope, form,and foundation, vague.

14 THE WITNESS: No, I -- I disagree 15 with -- with the premise there. These groups all 16 have points of view and opinions that are theirs, 17 and theirs alone. That Monsanto provides some 18 information to them, or shares some information 19 does not mean that any one of these groups, or 20 individuals affiliated with the groups, is going 21 to actually communicate or not. And I'm quite 22 confident that any of these groups would speak 23 with their own voice, because they believe that 24 the product is -- is important. 25 BY MR. ESFANDIARY:

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1	Q And the shared interest Monsanto and all
2	these groups have is a shared financial interest
3	in the success of Roundup, correct?
4	MR. PARISER: Objection to scope, form,
5	and foundation.
6	THE WITNESS: No, I think I think
7	that's I think that's too narrow. Yes,
8	glyphosate glyphosate is an important product
9	for Monsanto. Glyphosate is important for our
10	farmer for our farmer customers, and for their
11	livelihoods.
12	But the benefit of glyphosate extends
13	beyond simply the contribution to a farmer's
14	livelihood. It enables farmers to use more
15	sustainable farming practices. It enables them to
16	useless diesel fuel in their operations. It
17	promotes soil health. When I talk about the
18	shared value or the shared benefit, it is it is
19	in that broader context.
20	BY MR. ESFANDIARY:
21	Q It's your testimony to the jury that
22	these third parties would as aggressively promote
23	the safety of Roundup, if they did not have a
24	financial interest in it?
25	MR. PARISER: Same objections.

1	THE WITNESS: I I no, I think
2	these I think part of why these groups, and
3	individuals involved in the groups, defend the
4	product certainly is that it does it does
5	provide value for them. If it didn't provide
6	value, they wouldn't buy the product. It's as
7	simple as that. If a farmer didn't see value
8	in in Roundup, they would buy and use something
9	else.
10	But because they understand both the
11	financial value, as well as the value for the
12	sustainability of their operations, I think
13	farmers choose to use Roundup year after year
14	after year.
15	(Murphey Exhibit No. 12 was marked
16	for identification.)
17	MR. ESFANDIARY: I'm going to mark
18	Exhibit No. 12 to your deposition. I think I only
19	have two copies of that.
20	MR. PARISER: It's fine.
21	MR. ESFANDIARY: All right.
22	BY MR. ESFANDIARY:
23	Q Okay. This is an exhibit,
24	MONGLY01021378. It contains e-mails between
25	Monsanto employees. Have you seen this document

Confidential - Pursuant to Protective Order before? 1 2 Α Yes, I believe I have. 3 And the initial e-mail is from Donna 0 Farmer to Bill Heydens, including David Saltmiras, 4 5 March 4, 2015. And this is before the IARC 6 decision, correct? 7 Yes, that would be before the IARC Α 8 opinion was published. 9 And Dr. Farmer says, I was asked to --0 10 "I was asked for a list of experts that they could 11 contact to defend glyphosate in the media, " and 12 then she identifies a list, correct? 13 Yes, that's correct. Α 14 So this is an example of Monsanto using 0 15 third parties to defend glyphosate in the media, 16 correct? 17 MR. PARISER: Objection to scope, 18 foundation. 19 THE WITNESS: No, this -- this appears 20 to be a list of experts, scientific experts from 21 various fields, to whom Monsanto could possibly 22 refer a reporter, or ask one of these experts to 23 answer a question about the safety of qlyphosate. 24 BY MR. ESFANDIARY: 25 Q To defend glyphosate in the media,

Confidential - Pursuant to Protective Order 1 correct? 2 MR. PARISER: Same objections. 3 THE WITNESS: Yes, if there was 4 misinformation, or inaccurate reporting in the 5 media, yes, to defend glyphosate in that context. 6 MR. ESFANDIARY: I move this document. 7 THE WITNESS: While you're doing that, 8 would it be okay if I grab a bottle of water? 9 MR. ESFANDIARY: Sure. We can go off 10 the record, actually. THE VIDEOGRAPHER: The time is 12:12 11 12 p.m. We're going off the record. 13 (Brief recess.) THE VIDEOGRAPHER: The time is 12:13 14 15 p.m. We're back on the record. 16 (Murphey Exhibit No. 13 was marked 17 for identification.) 18 BY MR. ESFANDIARY: Mr. Murphey, here is Exhibit 13 to your 19 Q 20 deposition. 21 Thank you. Α 22 This is an e-mail, MONGLY00948216, from 0 23 Dan Goldstein dated March 3rd, 2015, regarding 24 draft Op Ed materials. Do you work with Dan 25 Goldstein?

Confidential - Pursuant to Protective Order 1 I did work with Dr. Goldstein, yes. Α 2 0 Have you seen this document before, sir? 3 Α Yes, I believe I have. 4 0 And it appears to have been created 5 during the ordinary course of Monsanto business? 6 MR. PARISER: Objection to form and 7 foundation. 8 THE WITNESS: Yes, it is. 9 MR. ESFANDIARY: I move this into 10 evidence as well. 11 BY MR. ESFANDIARY: 12 0 And this was sent about 20 days after 13 Dr. Farmer's e-mail identifying the third parties 14 that can be used to defend glyphosate in the 15 media, correct? 16 MR. PARISER: Objection to scope. 17 THE WITNESS: Yes, it appears -- roughly 18 twenty days. 19 BY MR. ESFANDIARY: 20 And Dr. Goldstein says, "I have written 0 21 five potential draft Op Eds for the medical 22 toxicologists to work from. This also includes a 23 general purpose couple of paragraphs on criticism 24 of IARC generally that can be grafted in to the 25 other versions." Do you see that?

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1	A II do see that.
2	Q Okay. And if you look at the
3	attachment, it says, "Glyphosate and Cancer -
4	Idiosyncrasies at IARC."
5	Do you see that, sir?
6	A Yes, I see that.
7	Q So is this an example of the talking
8	points that Monsanto would have provided to third
9	parties to defend glyphosate in the media?
10	A Yes, I mean, this appears to be some
11	information that Dr. Goldstein had assembled with
12	some message points. And that he was sharing it
13	with you know, what appears, by their e-mail
14	addresses, to be some other medical doctors and
15	scientists. And he explains in his you know,
16	in the e-mail, you know, this will give a good
17	starting point. And we can coordinate Op Ed
18	versions as as needed. You know, not even
19	below that, "not intended to tell you what to say,
20	just grist for the mill, to help you create what
21	you want to say."
22	Q Would the person reading the Op Ed know
23	that the information initially came from
24	Dr. Goldstein of Monsanto Company?
25	MR. PARISER: Objection to form, and

1 foundation, and scope.

2 THE WITNESS: I -- I think that depends 3 on what the -- what the scientist ultimately 4 published. You know, I think in some of this, you 5 know, document, it looks like, you know, 6 Dr. Goldstein was just pulling together, you know, 7 references -- you know, there are references to 8 regulatory conclusions, or there are other pieces, 9 but I think whatever the scientist ultimately 10 published would be their -- their opinion, and 11 their opinion alone. 12 BY MR. ESFANDIARY: 13 Do you think it's important for a 0 14consumer to know that a source of information is 15 coming from the company that has a vested interest 16 in the product? 17 MR. PARISER: Same objections. 18 THE WITNESS: I think there's some 19 context there that's -- that's important. You 20 know, no -- no scientist, you know, at this 21 stage -- at the senior level, at the stage in 22 their careers that Dr. Goldstein was communicating 23 with, would publish something that did not accurately and fully reflect their opinion. 24 25 What Dr. Goldstein was providing here

was a starting point. You know, as he puts it, grist for the mill, to help you create what you want to say. You know, if -- if they use some of this as early context or a starting point for their ideas, I think that's perfectly appropriate. BY MR. ESFANDIARY:

Q No, I appreciate that, and I wasn't
insinuating that Dr. Goldstein ghost-wrote any of
these for these scientists.

All I'm asking you, though, is, would it be important for a consumer to know that some of -- the source of some of the information it's receiving about the IARC classification came from the company that has a vested interest in the product?

MR. PARISER: Same objections, and asked and answered.

THE WITNESS: No, I think -- I think in this context, Dr. Goldstein was sharing some information. You know, if one of these scientists chose to weigh in, and draft and submit an Op Ed for publication, that would be their opinion, and should be reflected as such.

24 BY MR. ESFANDIARY:

Q So the answer to my question is, no,

1	Monsanto does not believe that it's important for
2	a consumer to know that some of the source of the
3	information about IARC is coming from the company?
4	MR. PARISER: Same objections, and asked
5	and answered.
6	THE WITNESS: No, in in the context
7	of what of what I'm describing here,
8	Dr. Goldstein is sharing sharing information.
9	He is, you know, in some cases, could have been,
10	you know, flagging for these scientists who are
11	thinking and working on many different matters,
12	that the IARC opinion had just been published, and
13	sharing some context around that. I think,
14	ultimately, if those if those scientists spent
15	time thinking about glyphosate and authoring on
16	Op Ed, it's accurate for it to be published in
17	their name.
18	BY MR. ESFANDIARY:
19	Q Mr. Murphey, what was my question?
20	MR. PARISER: Objection, argumentative.
21	THE WITNESS: It was your question, I
22	believe, was something to do with the fact of,
23	should Monsanto be noted as providing the
24	information. And, no my answer to that is no.
25	BY MR. ESFANDIARY:

1 Okay. Let's take a look at this 0 Okay. 2 here. So it's true that Monsanto's allocated 3 millions of dollars in responding to the IARC 4 classification, correct? MR. PARISER: Objection to scope and 5 6 form, foundation. 7 THE WITNESS: We -- we have -- we had to 8 spend a significant amount of resources, over 9 several years now, correcting misinformation, and 10 addressing questions in the public about -- about 11 glyphosate. 12 BY MR. ESFANDIARY: 13 Has Monsanto allocated millions of 0 14 dollars to responding to the IARC classification? 15 MR. PARISER: Same objections. 16 THE WITNESS: Yes. 17 BY MR. ESFANDIARY: 18 Do you know roughly how much Monsanto 0 19 allocated to it in 2016? 20 MR. PARISER: Same objections. 21 THE WITNESS: I can -- I can only speak 22 within the context of, you know, public affairs 23 activities, you know, things that I would have 24 been directly involved in. But in 2016, you know, 25 I believe for some of the projects I was involved

Confidential - Pursuant to Protective Order in, it was around 16 or 17 million. 1 2 BY MR. ESFANDIARY: 16 or 17 million --3 0 4 Α Mm-hmm. 5 -- was allocated to responding to the --0 to the IARC clarification? 6 7 MR. PARISER: Same objections. 8 THE WITNESS: No, not specifically and 9 solely focused on IARC. It's -- it would have 10 focused on engagement and media relations and 11 other activities on glyphosate, more generally. 12 BY MR. ESFANDIARY: 13 So 16 to 17 million in 2016 on general 0 14 media relations pertaining to glyphosate, correct? 15 Media relations in multiple countries, Α 16 you know, where you have to deal with multiple 17 languages, digital media, and other activities. 18 How much does it cost to perform a 0 19 long-term cancer bioassay on a formulated product? 20 MR. PARISER: Objection, scope, 21 foundation. 22 THE WITNESS: I don't -- I don't have a 23 frame reference for that. 24 BY MR. ESFANDIARY: 25 0 Do you know who Dr. Koch is?

Confidential - Pursuant to Protective Order Dr. Michael Koch? 1 2 Α Yes, I'm aware that he's in our 3 regulatory group. 4 Q He's a scientist, right? 5 Α Yes. Would you defer to his scientific 6 0 7 expertise when it comes to Roundup, the scientific 8 profile of Roundup? 9 I'm -- I'm not personally familiar with А what Dr. Koch's scientific background is. 10 11 If a Monsanto scientist, such as 0 12 Dr. Farmer, was to tell you that to conduct a full 13 carcinogenicity bioassay was to cost 1.5 million 14US dollars, would you -- would you have any reason 15 to doubt her judgment on that? 16 MR. PARISER: Objection to scope and 17 foundation. 18 THE WITNESS: I -- I don't have any frame of reference for what that costs, so, no, I 19 20 would -- I would defer to Dr. Farmer. 21 You would? 0 22 Α Yes. 23 And 1.5 million is significantly less 0 24 than 16 million, correct? 25 MR. PARISER: Objection to scope, form.

1	THE WITNESS: It is. However, I think
2	the type of assay that you're suggesting, based on
3	my understanding from conversations with
4	Dr. Farmer and others, is not is not a required
5	regulatory study.
6	BY MR. ESFANDIARY:
7	Q So Monsanto would only do a study to
8	find out the carcinogenicity of its product if
9	it's required?
10	MR. PARISER: Objection, outside of the
11	scope.
12	THE WITNESS: We have no again, based
13	on my understanding from conversations with our
14	scientists, we have no evidence suggesting that
15	for our formulated products are carcinogenic.
16	And that includes significant epidemiology data
17	that looks at the real world use of those
18	products.
19	BY MR. ESFANDIARY:
20	Q Mr. Murphey, Monsanto has never, itself,
21	conducted a two-year carcinogenicity assay on the
22	formulated Roundup product, correct?
23	MR. PARISER: Objection, asked and
24	answered, outside the scope.
25	THE WITNESS: Yes, that's my

Confidential - Pursuant to Protective Order understanding. 1 2 BY MR. ESFANDIARY: 3 So Monsanto, itself, does not know what 0 4 the results of that study would show, correct? 5 MR. PARISER: Objection. Objection to 6 form. Objection, outside the scope. 7 THE WITNESS: Again, my understanding is 8 that that type of study has never been done. 9 BY MR. ESFANDIARY: 10 And if it was to be done, it would cost 0 11 1.5 million, hypothetically? 12 MR. PARISER: Same objections. 13 BY MR. ESFANDIARY: 14And --0 15 I -- I don't have any frame of reference Α 16 for what that type of study would cost. That's 17 not my area of expertise. 18 I want to mark as Exhibit No. 19 -- I 0 19 apologize, 14. Getting ahead of myself. Is that 20 correct? 21 Α My last one was 13. 22 MR. ESFANDIARY: I apologize. Can we go 23 off the record quickly? 24 THE VIDEOGRAPHER: The time is 12:23 25 p.m. We're going off the record.

Confidential - Pursuant to Protective Order 1 (Lunch recess.) 2 THE VIDEOGRAPHER: The time is 3 1:15 p.m., and we're back on the record. 4 BY MR. ESFANDIARY: 5 Good afternoon, Mr. Murphey, how was 0 6 your lunch? It was very nice, thank you. Good 7 Α 8 afternoon. 9 Good. All right. 0 10 So before we went on a break, you 11 testified about the benefits that Roundup has for 12 farmers and agricultural workers. Do you remember 13 that testimony? 14 Α I do. 15 Great. And you understand -- and I'm 0 16 asking you this in your individual capacity, you 17 understand that Roundup is also marketed at 18 regular consumers, non-occupational users? 19 Α Correct. 20 And do you think that Roundup could be 0 21 continued to be used in agricultural setting, and 22 also by consumers with the same benefits that it's 23 currently having if a cancer warning was given on the label? 24 25 MR. PARISER: Objection to foundation,

1 form.

THE WITNESS: My -- my understanding is that a cancer warning would be -- would be inaccurate, and a federal judge has actually ruled it to be false and misleading. So, no, I don't think a cancer warning would be appropriate, and likely would lead to decreased use.

8 BY MR. ESFANDIARY:

9 Let me pose this in a hypothetical. Q 10 Supposing that cancer -- that Monsanto took the 11 position that Roundup is actually associated with 12 an elevated risk in non-Hodgkin's lymphoma, do you 13 think that Roundup could continue to be used with the same benefits we discussed earlier with a 14 15 cancer warning label? 16 MR. PARISER: Objection, improper 17 assumption, and lack of foundation. 18 THE WITNESS: I really don't understand 19 the connection that you're trying to draw between 20 the two. 21 The benefits of Roundup are 22 well-established, and -- and known. But it's also 23 known that glyphosate isn't carcinogenic. And so 24 if you are talking about -- it's really like 25 you're talking about a different product almost.

1 BY MR. ESFANDIARY:

No, I'm asking you -- I'm asking you 2 Q 3 hypothetically, that if Monsanto was to warn about the cancer risk, could Roundup continue to be used 4 with the same benefits to farmers and consumers 5 6 that you discussed earlier? 7 MR. PARISER: Same objections. 8 THE WITNESS: So I think the only way I 9 can answer your question is the -- we firmly 10 believe that a cancer warning on a package of 11 Roundup would be inaccurate, and it would be false 12 and misleading. But that false and misleading 13 warning label would not change the beneficial 14 properties of the substance. 15 BY MR. ESFANDIARY: 16 So in other words, Roundup could be 0 17 marketed, hypothetically, with the same benefits 18 that you discussed earlier, but also carrying a 19 cancer label, correct? 20 MR. PARISER: Same objections, and this 21 continues to be outside the scope. 22 THE WITNESS: And again, I just -- I 23 don't think there's anything I can add to my 24 answer, other than, you know, again, to repeat, 25 the warning label would not accurately

Confidential - Pursuant to Protective Order characterize the product. A federal judge has 1 2 said that such a partnering label on glyphosate 3 products would be false and misleading to 4 consumers. 5 But, yes, to your point, putting that 6 false and misleading warning on a package of 7 Roundup, which I believe to be inappropriate, 8 would not change the beneficial properties of the 9 product. 10 BY MR. ESFANDIARY: 11 Do you think Monsanto would stop selling 0 12 Roundup if the company believed it was 13 carcinogenic? 14 MR. PARISER: Objection, scope, 15 foundation. 16 THE WITNESS: I -- I can't speak to 17 that, one way -- one way or another. You know, I 18 think that would be a matter for scientific 19 experts within the company and -- and regulatory 20 bodies to decide. 21 BY MR. ESFANDIARY: 22 And you've already said you respect and 0 23 you defer to scientific opinions of your 24 colleagues, such as Dr. Farmer, right? 25 Α Yes, Dr. Farmer, among others.

1	Q And again, in your individual capacity,
2	here is another hypothetical. If Dr. Farmer was
3	to say, Sam, you know, we have done some more
4	research, and it turns out that this product may
5	be associated with a risk of non-Hodgkin's
6	lymphoma, do you think that Monsanto should stop
7	selling Roundup in that eventuality?
8	MR. PARISER: Objection to form,
9	improper hypothetical.
10	THE WITNESS: I'll start by saying, we
11	have absolutely no reason to believe that we would
12	come across evidence like that. I've heard
13	nothing in my conversations with Monsanto
14	scientists about any type of evidence of that
15	nature.
16	But if if we were to come across
17	evidence that made that suggestion, I think it
18	would be that would be a decision left up to
19	our experts in product safety, and regulatory
20	bodies around the world, that would have to weigh
21	and evaluate the overall risk.
22	BY MR. ESFANDIARY:
23	Q But do you think that product should not
24	be on the product if it can cause cancer?
25	MR. PARISER: Objection, asked and

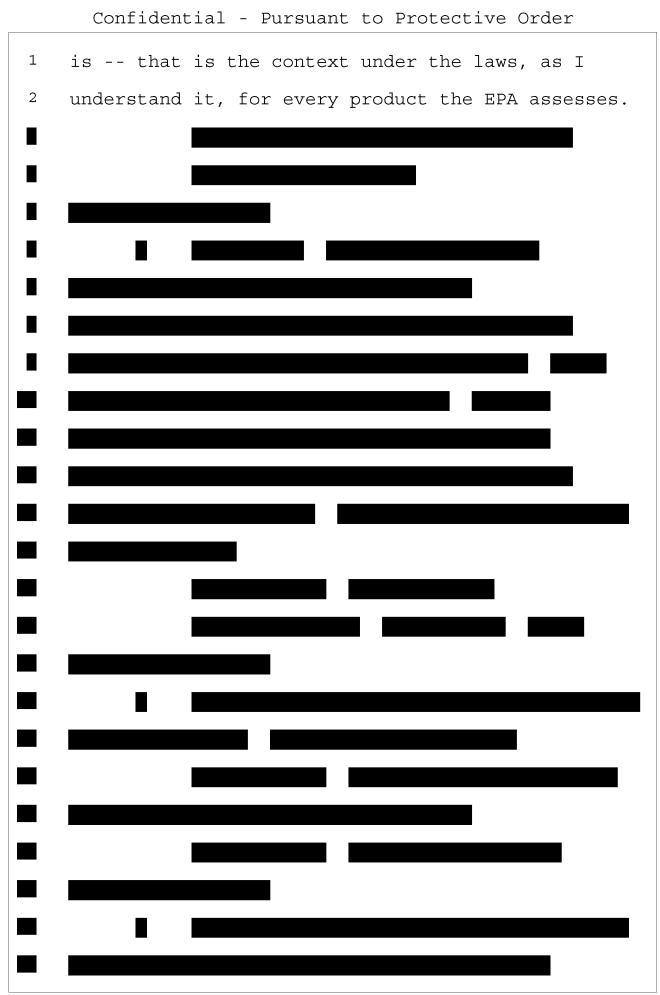
1	answered, improper hypothetical, scope.
2	THE WITNESS: I think that's that's a
3	decision that would need to be made by
4	scientific by scientific experts, who can
5	evaluate the overall risk, in the context of how
6	the product would be would be used. But,
7	again, I've heard absolutely nothing from any of
8	our scientists about any suggestion of a
9	connection between glyphosate and cancer.
10	BY MR. ESFANDIARY:
11	Q No, I understand that. But my question
12	to you is, in exercising your own judgment, do you
13	think that if a product can cause cancer, it
14	should not be on the market?
15	MR. PARISER: Objection, asked and
16	answered, form, scope.
17	THE WITNESS: No, as a as a
18	layperson, I'm very comfortable in the work that
19	our regulatory agencies do, and the assessments
20	that they do that would look at an individual
21	piece of data from one study, and assess it in the
22	context of the overall safety profile of the
23	product, and the real the real world the
24	real world risk.
25	BY MR. ESFANDIARY:

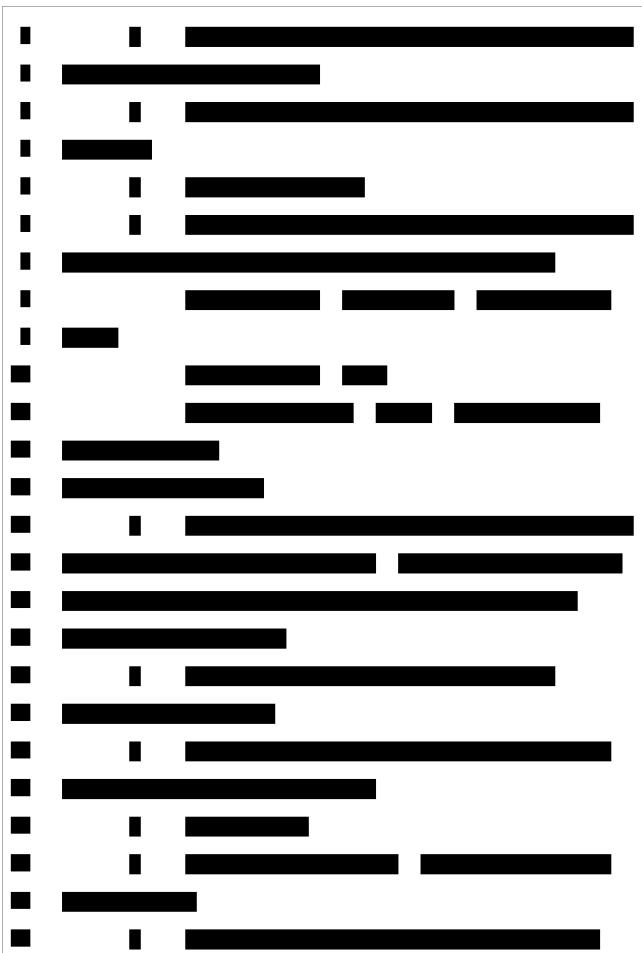
1	Q If the EPA came out tomorrow and said
2	they believe Roundup to be associated with
3	non-Hodgkin's lymphoma, do you think that Roundup
4	should be off the market?
5	MR. PARISER: Same objections.
6	THE WITNESS: I think that would be a
7	decision that would be a decision for the EPA
8	to make, based on again, based on what they
9	what they saw in their overall their overall
10	risk assessment.
11	BY MR. ESFANDIARY:
12	Q Mr. Murphey, I'm going to ask my
13	question again, and you haven't provided a
14	responsive answer yet.
15	My question to you was, if the EPA was
16	to come out and say that Roundup can cause cancer,
17	do you, sir, think that it should be off the
18	market?
19	MR. PARISER: I'm going to object again
20	to the form of the question, as well as scope.
21	And also, Counsel, don't lecture the witness about
22	whether he's asked or answered the question. In
23	fact, he has answered the question. And I'm going
24	to object on that basis as well. If you have
25	anything else you can add, you may do so.

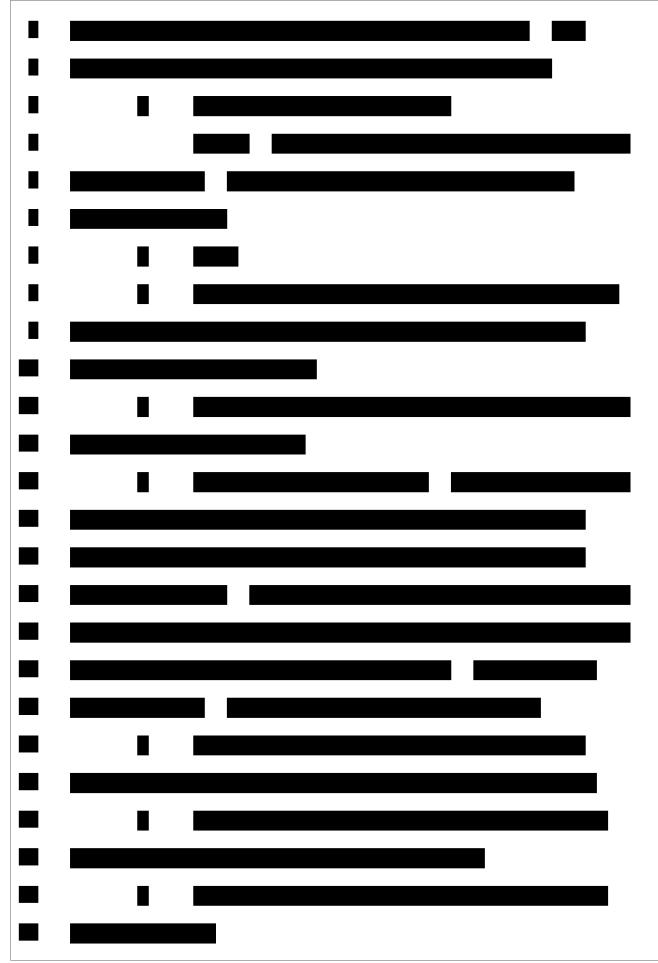
Confidential - Pursuant to Protective Order 1 THE WITNESS: My answer would be, no, 2 that would be a decision for experts at EPA to 3 make. BY MR. ESFANDIARY: 4 5 So your answer is, no, you do not think 0 that Roundup should be off the market? 6 7 MR. PARISER: Objection, asked and 8 answered. 9 BY MR. ESFANDIARY: 10 If the EPA makes a determination that it 0 11 can cause cancer? 12 MR. PARISER: Objection, asked and 13 answered numerous times, and improper 14 hypothetical, scope. 15 THE WITNESS: No, the EPA would look at 16 that data in the context of an overall risk 17 assessment, and make its decision. I'm -- I'm 18 confident in the EPA's ability to assess risk and 19 regulate products. 20 BY MR. ESFANDIARY: 21 So if your -- you would exercise that Q 22 confidence in the event that the EPA determines 23 Roundup to be associated with cancer, correct? 24 MR. PARISER: Same objections. 25 THE WITNESS: Correct. And I just -- I

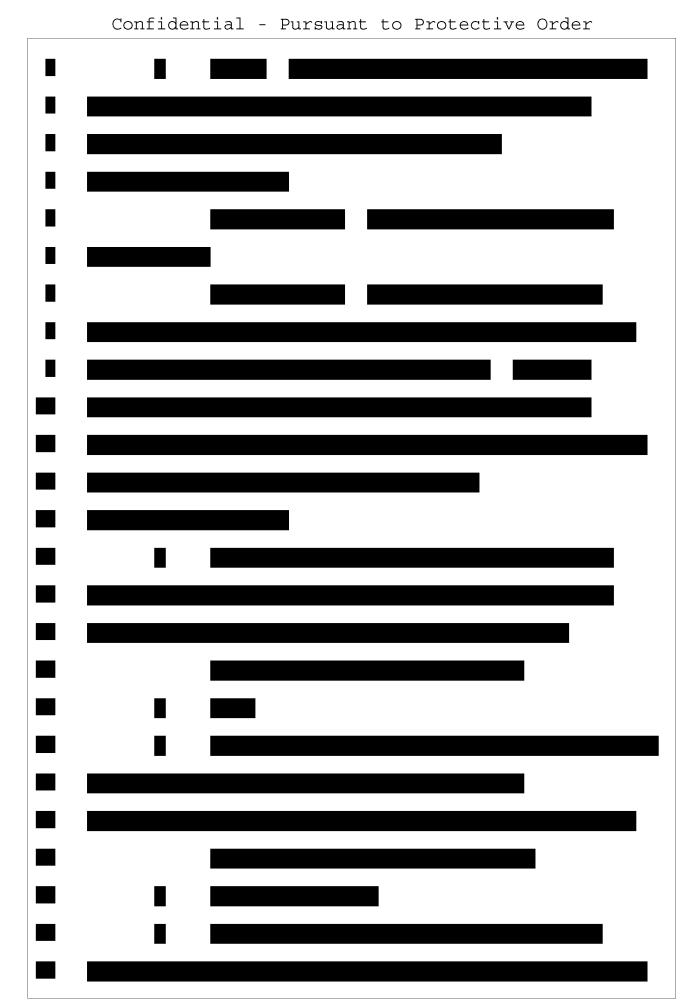
really don't think there is anything else I can 1 add here. 2 3 BY MR. ESFANDIARY: 4 0 So in that exercising your confidence in 5 the belief, or in the accuracy of the EPA's 6 assessment, if they decided that Roundup is a 7 carcinogen, do you think that it should come off 8 the market? 9 MR. PARISER: Same objections, improper 10 hypothetical, outside the scope, asked and 11 answered numerous times. 12 THE WITNESS: No, I think the -- the EPA 13 would make that decision, because they would look 14 at it in the context of exposure. They would look 15 at it in the context of overall -- of overall 16 risk. And they would -- they would make the 17 determination, based on -- based on the science 18 that they reviewed. 19 BY MR. ESFANDIARY: 20 What do you think, though? Do you think 0 it should come off the market, if it's deemed to 21 22 have a cancer risk, that EPA has deemed it to be a 23 carcinogen? 24 MR. PARISER: Same objections, asked and 25 answered.

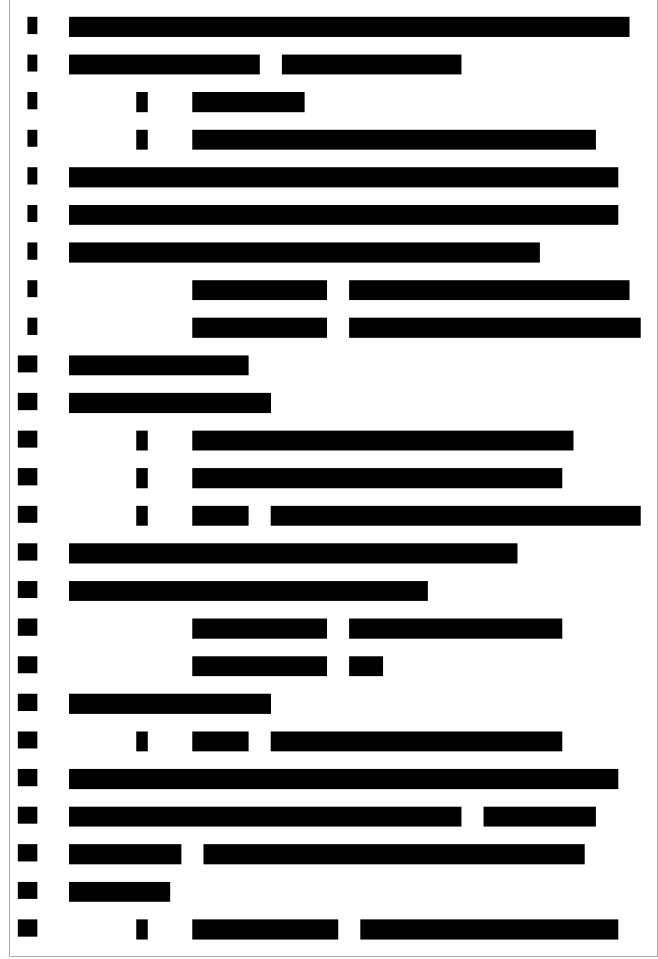
Confidential - Pursuant to Protective Order BY MR. ESFANDIARY: 1 2 Q If you don't know, you don't know. You 3 can say that. 4 MR. PARISER: And I object to counsel's 5 instructing the witness. 6 THE WITNESS: No. Sir, my answer would 7 be, if the EPA allows a product to stay on the market, the EPA believes that that product -- that 8 9 product causes no unreasonable risk of harm to 10 human health or to the environment. If the EPA 11 continues to make that determination, the product 12 should be on the market. But again, the EPA is 13 going to look at that in a holistic way. 14 BY MR. ESFANDIARY: 15 What -- what if it doesn't make that 0 16 determination? 17 MR. PARISER: Objection, vague, improper 18 hypothetical, scope. 19 THE WITNESS: Again, this would relate 20 to -- to any product. 21 BY MR. ESFANDIARY: 22 So you --0 23 If the EPA -- if the EPA determines that Α 24 a product poses unreasonable risk, it won't be on -- it won't be on the market. And I think that 25

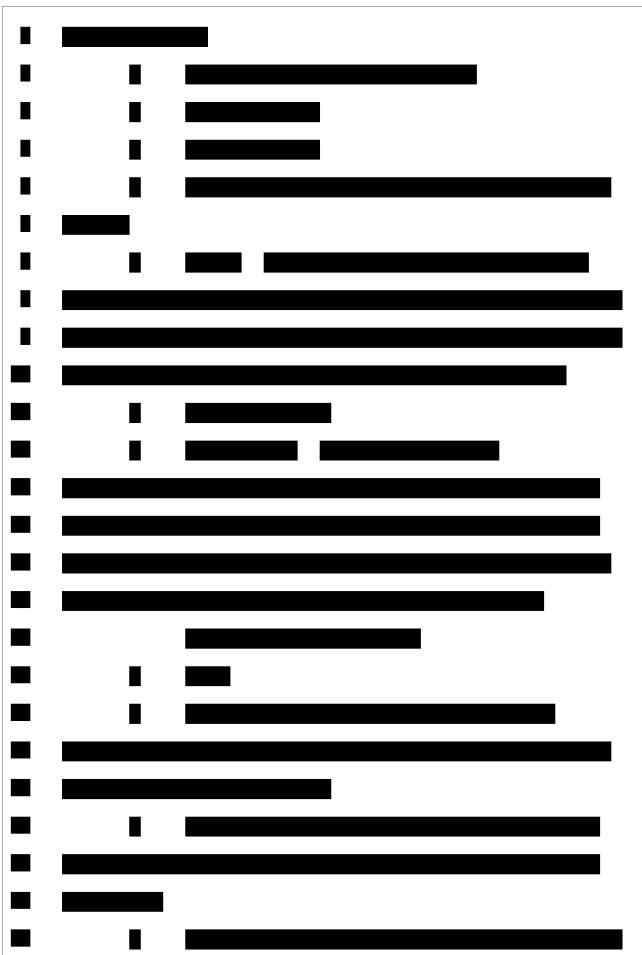




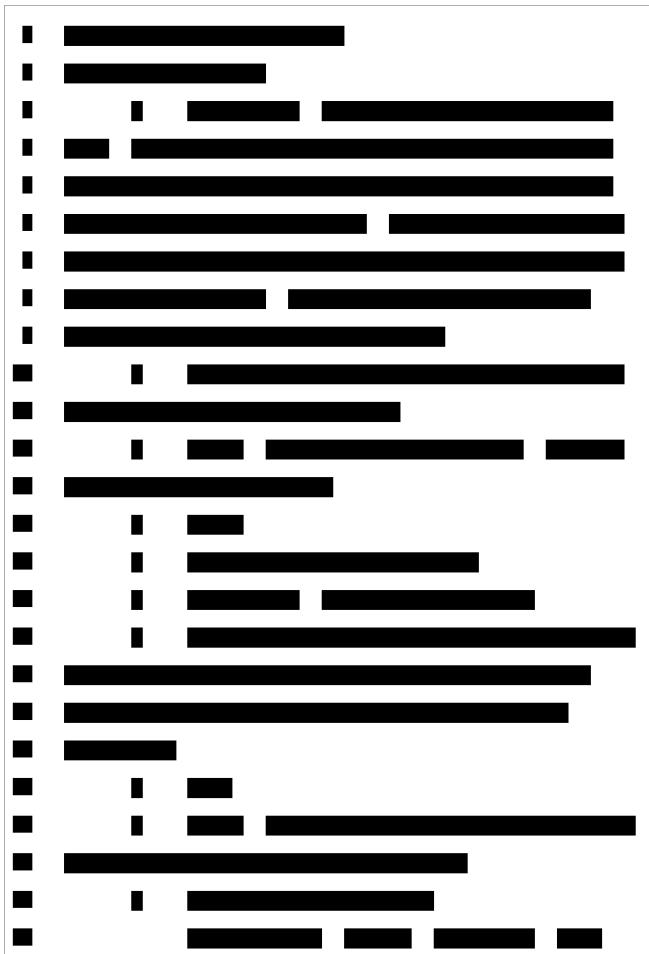








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18	BY MR. ESFANDIARY:
19	Q I'm going to mark as Exhibit No. 15, the
20	following e-mail between you and others at
21	Monsanto.
22	(Murphey Exhibit No. 15 was marked
23	for identification.)
24	MR. ESFANDIARY: Here's copies for
25	counsel there.

Confidential - Pursuant to Protective Order 1 BY MR. ESFANDIARY: 2 0 And you sent -- you've seen this 3 document before, I assume, because you sent both 4 e-mails, correct, sir? 5 Α Yes. 6 0 Okay. And this is MONGLY03315608, and 7 it contains e-mail correspondence between Samuel 8 Murphey and others at Monsanto, including 9 Mr. David -- Dr. David Heering. The first e-mail 10 is dated October 5th, 2015. 11 And does this appear to have been 12 created during the ordinary course of Monsanto 13 business, Mr. Murphey? 14 MR. PARISER: Objection to form. 15 THE WITNESS: Yes. 16 MR. ESFANDIARY: I move this into 17 evidence as well. 18 BY MR. ESFANDIARY: 19 Q And you say at the bottom there, "Team, 20 as discussed on the weekly glyphosate call, the 21 first two post-IARC glyphosate personal injury 22 lawsuits in the U.S. were filed in late 23 September." 24 Do you see that, sir? 25 Α Correct.

1	Q	"One case was filed in New York, and
2	another in	California. We had anticipated such
3	litigation	for some time." Do you see that, sir?
4	A	Yes.

5 So Monsanto had, by October 5th, 2015, 0 6 anticipated litigation related to the 7 carcinogenicity of glyphosate, correct? 8 MR. PARISER: Objection, outside the 9 And you know, again, I'd instruct you not scope. 10 to reveal the contents of any attorney/client 11 communications. But otherwise, you can -- you can 12 answer, to the extent you know in your personal 13 capacity.

14 THE WITNESS: Sure, in my personal 15 capacity, yes, this is -- so October -- October 16 5th was, you know, more than six months -- or 17 right at six months from when the IARC opinion had 18 been published. And you know, I believe we were 19 aware of some advertising that was -- was starting 20 to be done, regarding potential litigation. So, yes, certainly by October 5th, we had -- we had --21 22 in this note, we had indicated we had seen the 23 first two cases filed. 24 BY MR. ESFANDIARY:

Q If you turn over the page, to Bates

1 ending 609, and just for the record, this next 2 line of questioning will direct -- will be related 3 directly to your representative role on behalf of 4 Monsanto. You say, "If you receive questions from 5 employees or stakeholders, an appropriate response 6 is, while sympathetic to individuals experiencing health problems, including those alleged by 7 8 plaintiffs in these cases, we believe that 9 glyphosate is safe for human health when used as 10 labeled, and that these suits are without merit. 11 Decades of experience within agriculture and 12 regulatory reviews, using the most extensive 13 worldwide human health databases ever compiled on 14an agricultural product contradict the claims in 15 the suits, which we have vigorously defended." Do 16 you see that? 17 I do. Α 18 And you're aware that plaintiffs in this 0

<sup>19</sup> litigation were exposed to the formulated Roundup
<sup>20</sup> product, not just glyphosate, correct, sir?

A Correct.

Q Do you recall why you made a decision to respond with the boilerplate language pertaining only to glyphosate, and not Roundup? MR. PARISER: Objection to form, scope.

1	THE WITNESS: I I don't recall, in
2	the specific context of this statement, no. But
3	we certainly have data, such as the Agricultural
4	Health Study, that clearly shows no link between
5	glyphosate-based formulations and cancer either.
6	BY MR. ESFANDIARY:
7	Q Did you ever discuss have any
8	discussions with your Monsanto colleagues, where
9	it was expected that in media statements, Monsanto
10	steer clear from referring to "glyphosate-based
11	formulations," and use "glyphosate" instead?
12	MR. PARISER: Objection to scope.
13	THE WITNESS: No.
14	BY MR. ESFANDIARY:
15	Q When discussing let me rephrase.
16	When discussing your response when discussing
17	Monsanto's response to the IARC classification,
18	was there a consensus within Monsanto to use
19	glyphosate when speaking of the classification, as
20	opposed to GBFs?
21	MR. PARISER: Objection, vague.
22	THE WITNESS: I I think in the
23	context of IARC, our understanding was that the
24	IARC opinion dealt with the active ingredient.
25	And so some of our statements may have may have

1	focused on the active ingredient in that context.			
2	You know, but we certainly have made many			
3	statements that deal with glyphosate-based			
4	formulations as well.			
5	BY MR. ESFANDIARY:			
6	Q You're aware that IARC looked at			
7	hundreds of genotoxicity studies that looked at			
8	the formulated products, correct?			
9	MR. PARISER: Objection to scope and			
10	form.			
11	THE WITNESS: I'm not exactly clear on			
12	what exactly IARC looked at, but my my			
13	understanding was that their opinion dealt with			
14	the with the active substance.			
15	BY MR. ESFANDIARY:			
16	Q You're not exactly clear what IARC			
17	looked at, but you are comfortable speaking to the			
18	media about the flaws of the classification,			
19	correct?			
20	MR. PARISER: Objection, argumentative.			
21	THE WITNESS: Yes, based based on my			
22	understanding, and my conversations with our			
23	scientists.			
24	BY MR. ESFANDIARY:			
25	Q Mr. Murphey, Monsanto's ultimate goal is			

1	to defend freedom to operate for glyphosate			
2	globally, while enabling growth of Monsanto's crop			
3	protection business, correct?			
4	MR. PARISER: Objection, outside the			
5	scope.			
6	THE WITNESS: I I can't say that that			
7	is Monsanto's overarching goal. I I do recall			
8	that as a goal that I I once identified in my			
9	plan as a priority that would be for my team.			
10	BY MR. ESFANDIARY:			
11	Q All right. I would like to switch gears			
12	to I believe it's category number 18 on the PMK			
13	deposition notice. The Let Nothing Go campaign,			
14	Monsanto's knowledge, positions, and conduct			
15	related to Let Nothing Go.			
16	Now, part of your corporate engagement			
17	responsibilities at Monsanto involved coordinating			
18	the Let Nothing Go campaign, correct, sir?			
19	A Yes, I would say I was one of the people			
20	on point for that effort.			
21	Q Can you please define the Let Nothing Go			
22	campaign for the jury?			
23	A Sure. The Let Nothing Go effort focused			
24	on the European Union. And it was an initiative			
25	that involved carefully monitoring media coverage			
~ 11				

1 about the company in multiple languages. We had a 2 number of markets we were -- we were prioritizing. 3 So media monitoring in those different languages. 4 Highlighting or flagging stories that contained 5 inaccurate information or misinformation about the 6 company or products, or stories that didn't 7 include the company's perspective or point of 8 view.

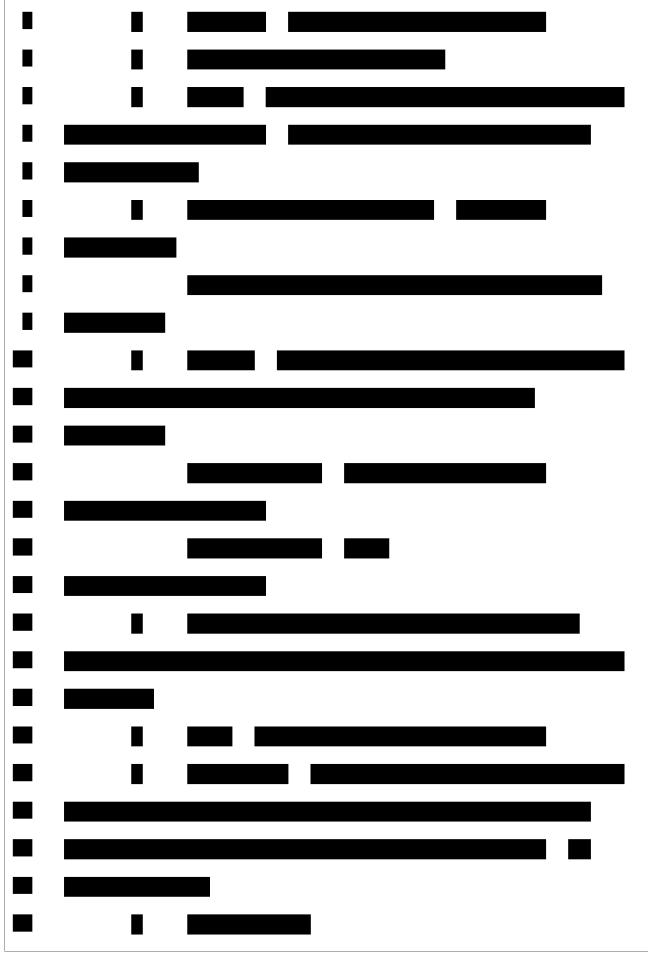
9 And then following up with those 10 reporters, proactively calling reporters in those 11 instances, to share a statement, to provide some 12 additional context, and to encourage those 13 reporters to contact us in the future.

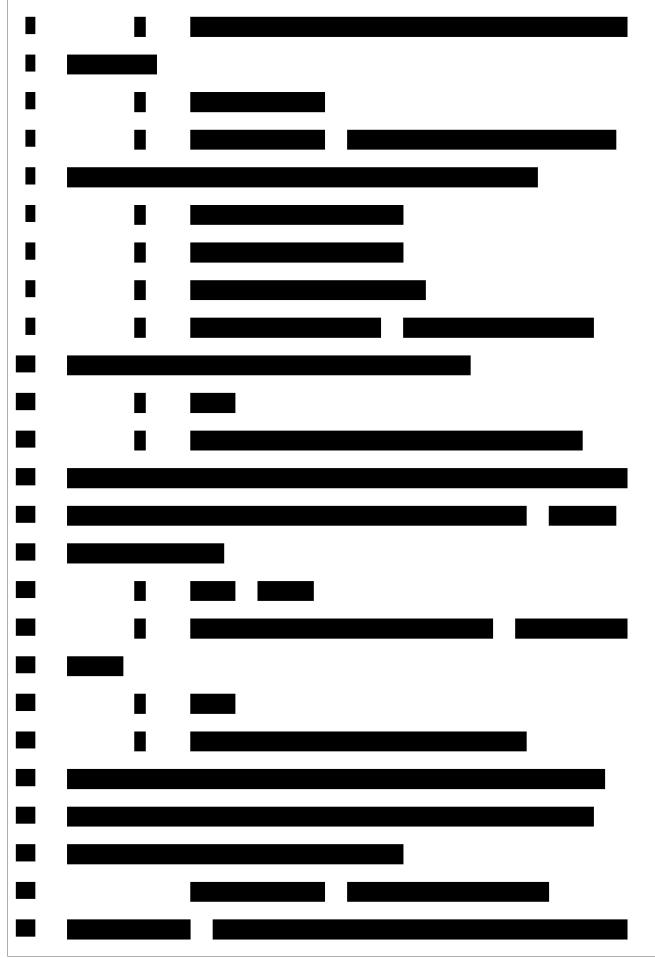
Q Let's just break down the answer a little bit. So part of the Let Nothing Go initiative, would that involve Monsanto pushing for positive stories about its glyphosate-based formulations in the media?

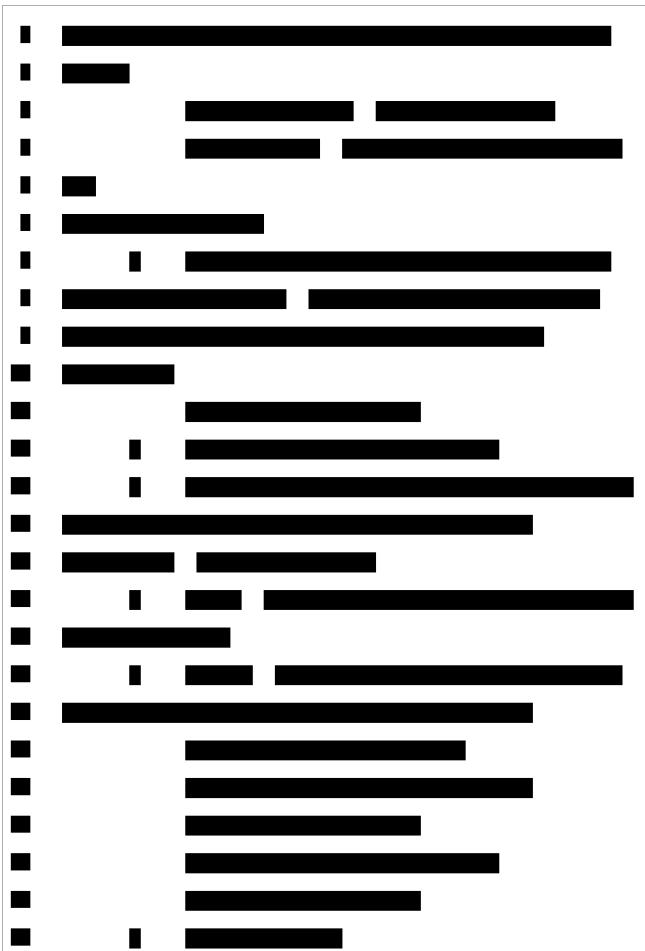
MR. PARISER: Objection to form. THE WITNESS: In -- in some contexts, there -- there might have been proactive -proactive outreach, or asking -- you know, asking a reporter to think about an idea for a story in the future. But I would say, principally, the focus was -- that monitoring and that reaction

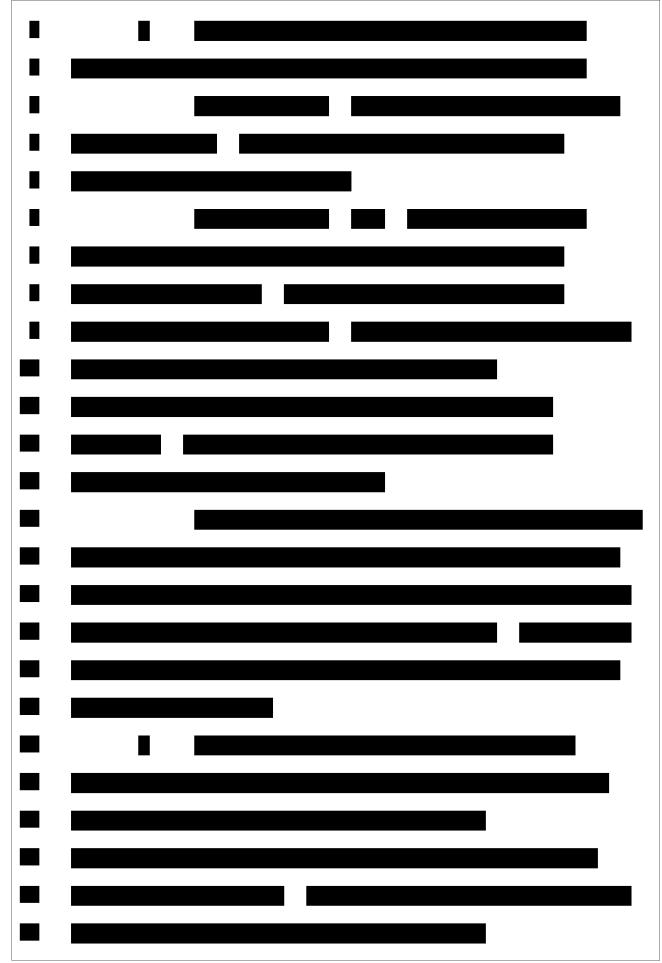
Confidential - Pursuant to Protective Order 1 that I described. 2 BY MR. ESFANDIARY: 3 0 And did the Let Nothing Go campaign 4 invest in communication tactics targeted --5 targeted to consumers of Roundup? 6 Α It more -- so it focused on kind of both 7 mainstream and agricultural trade publications. 8 So, yes, to the extent that a consumer -- again, 9 we're talking about the European Union. To the 10 extent that a consumer might see an article about 11 glyphosate or Roundup in a -- in a mainstream 12 publication, it would involve -- it would involve 13 that type of consumer audience. 14 Did the Let Nothing Go campaign involve 0 15 making Monsanto's opponents uncomfortable? 16 MR. PARISER: Objection to form. 17 THE WITNESS: No, I don't think that's 18 an accurate characterization. I think it was 19 the -- the effort was much more about realizing, 20 in the European context, there was a significant 21 amount of coverage on glyphosate, as we discussed 22 earlier. This renewal process was occurring. 23 Glyphosate was receiving a tremendous amount of 24 coverage in -- in the media. And this effort was 25 more focused on reaching out and trying to achieve

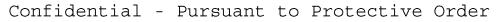
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1	accuracy and balance in that reporting.
2	BY MR. ESFANDIARY:
3	Q Before we move on, have you been have
4	you ever received media training at Monsanto
5	Company?
6	A I have not.
7	Q You have not? Have you ever received
8	any kind of training pertaining to sticking to the
9	answer, regardless of the question?
10	MR. PARISER: Objection, vague.
11	THE WITNESS: No.
12	BY MR. ESFANDIARY:

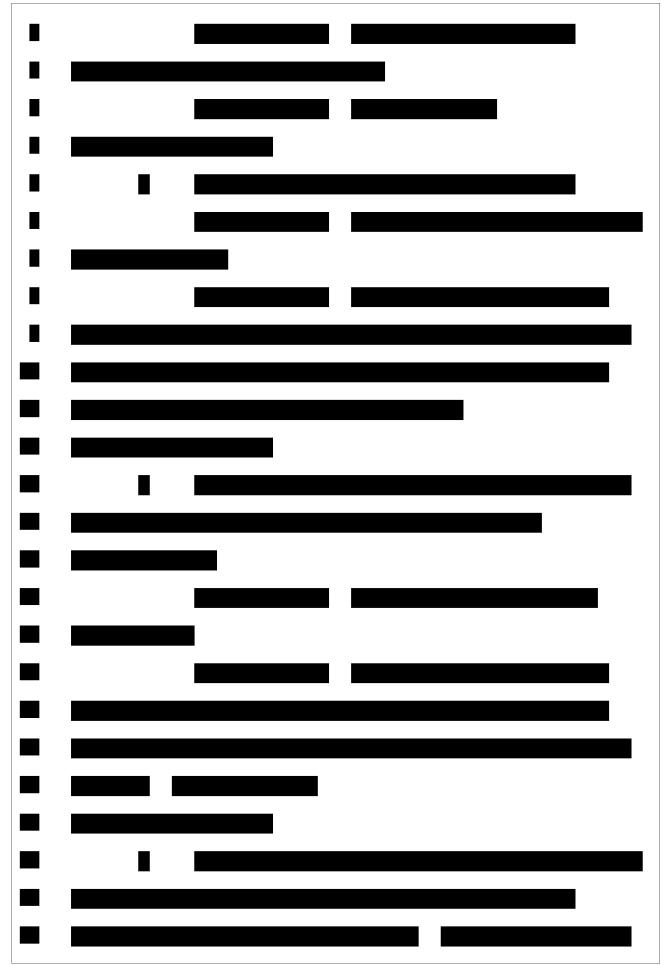


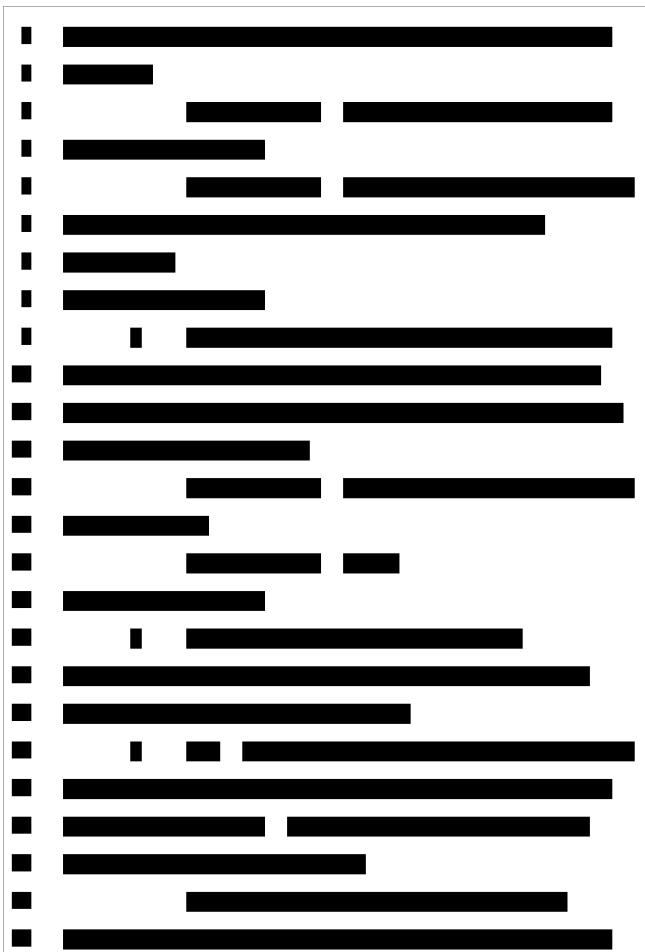




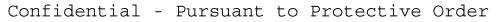


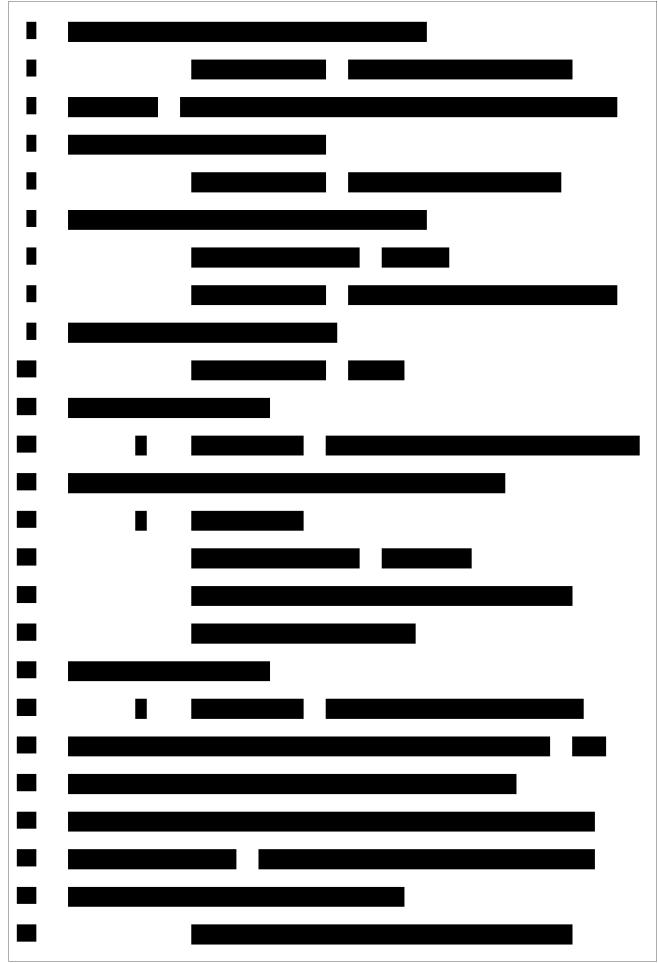


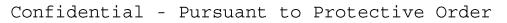


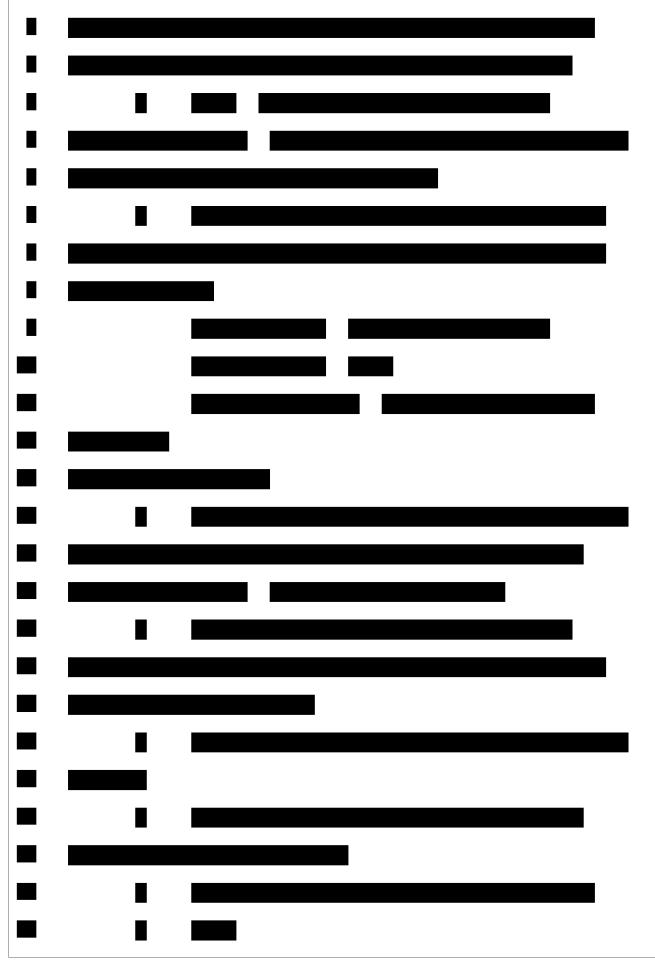


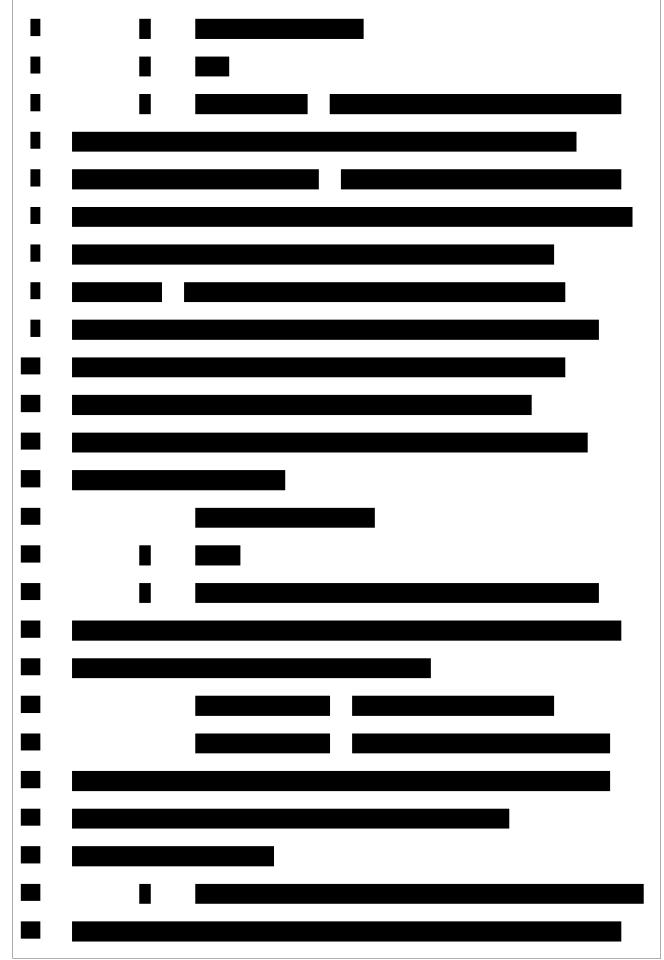
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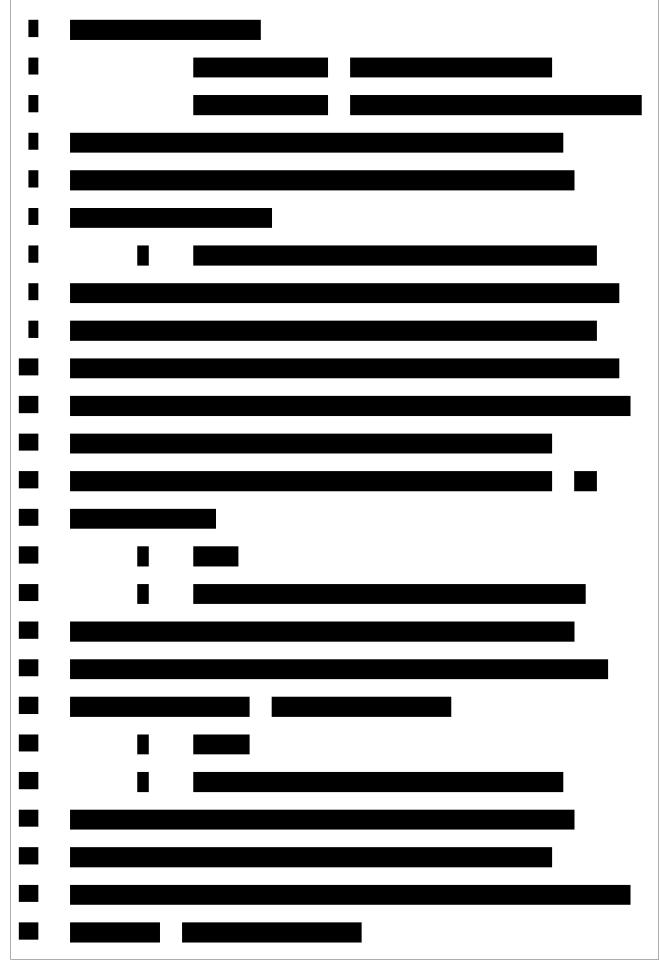


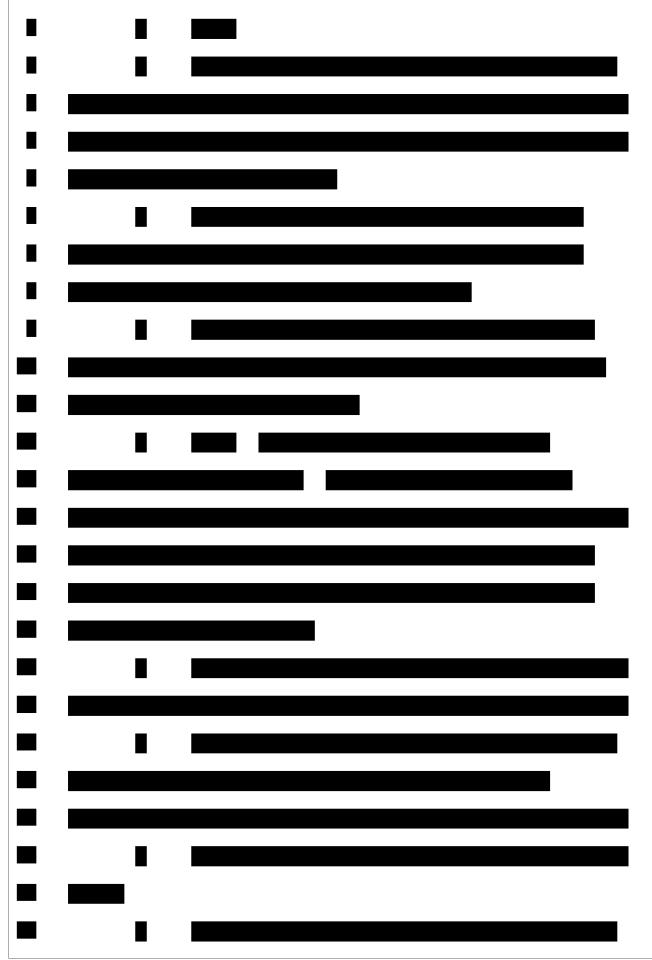


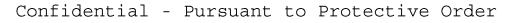


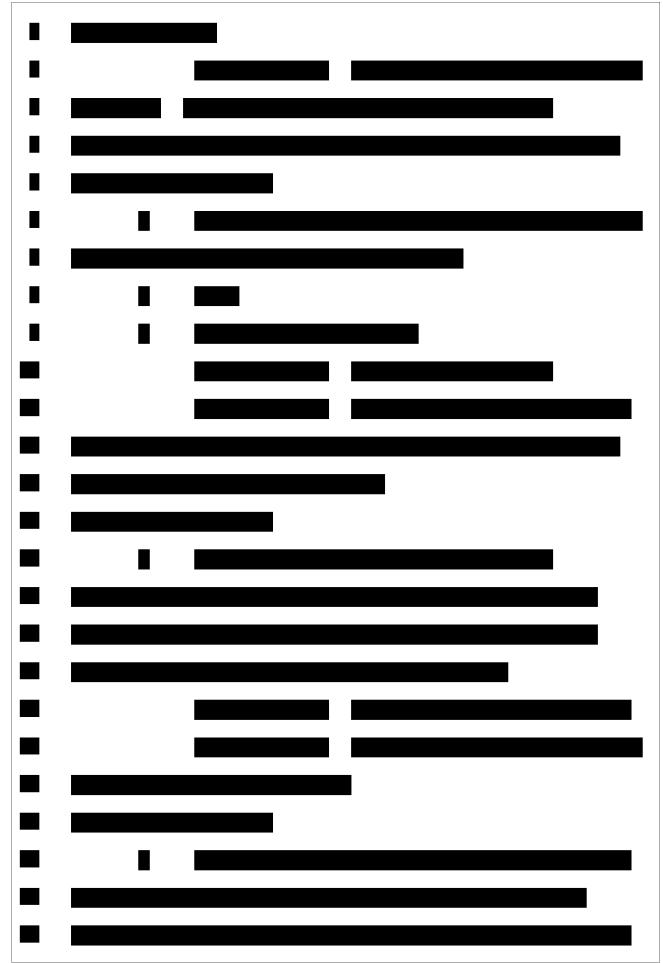


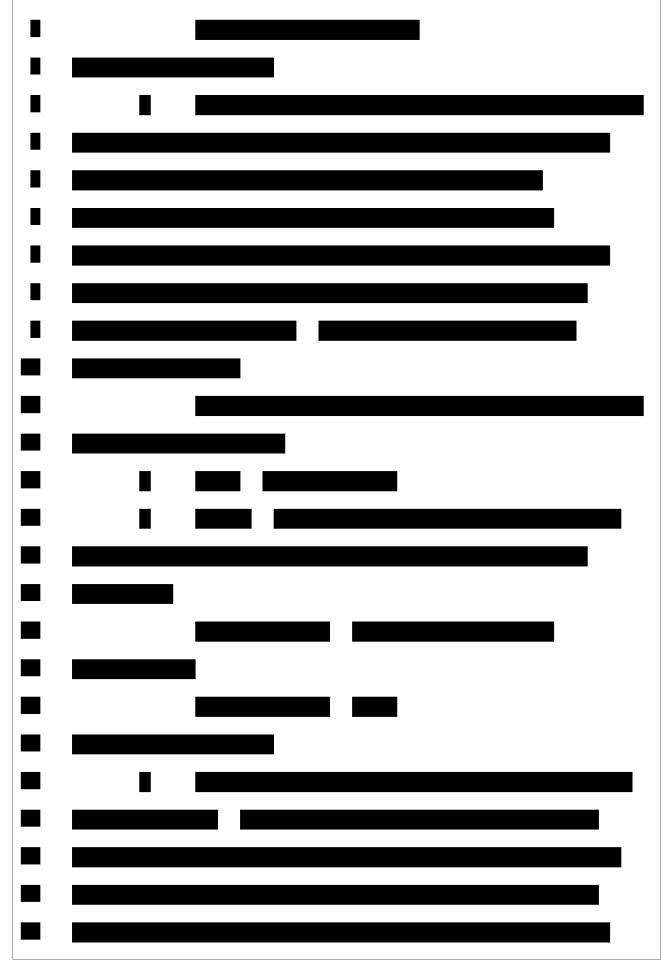


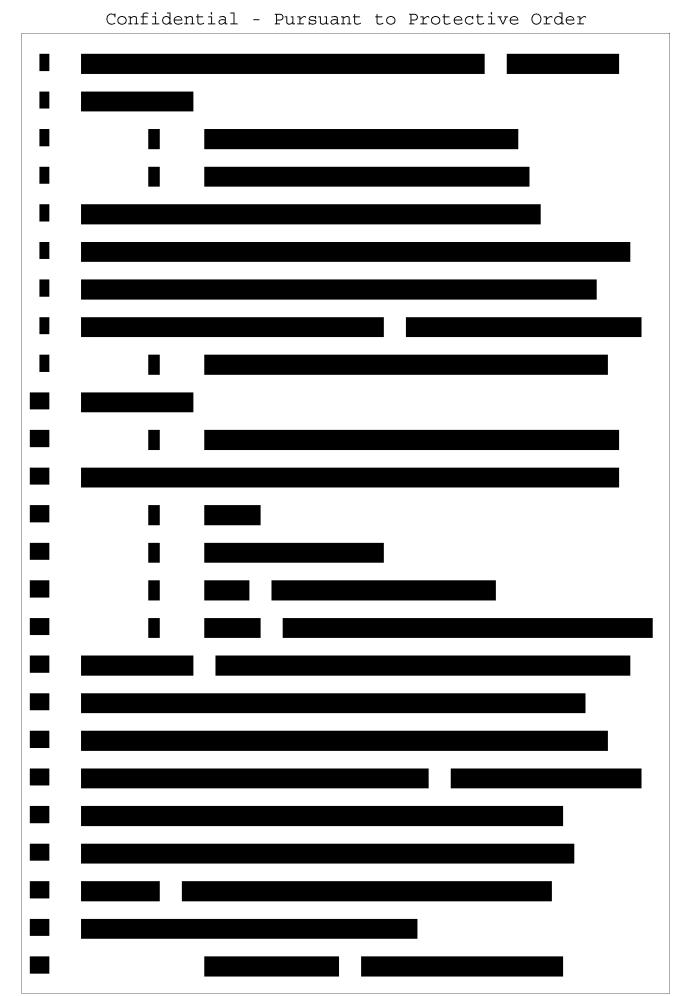


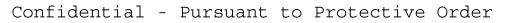


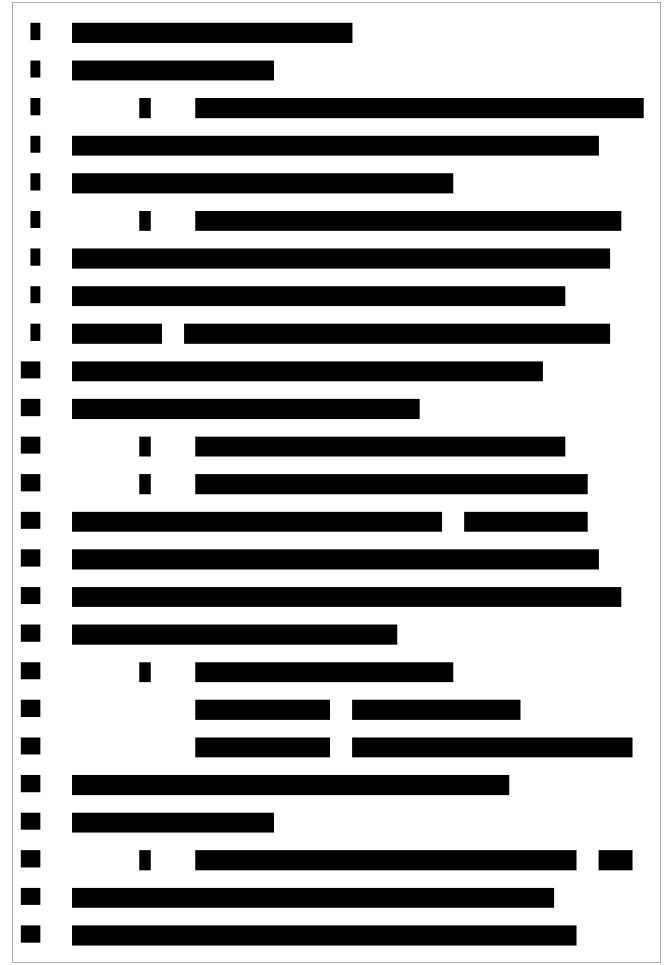










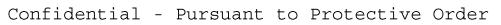


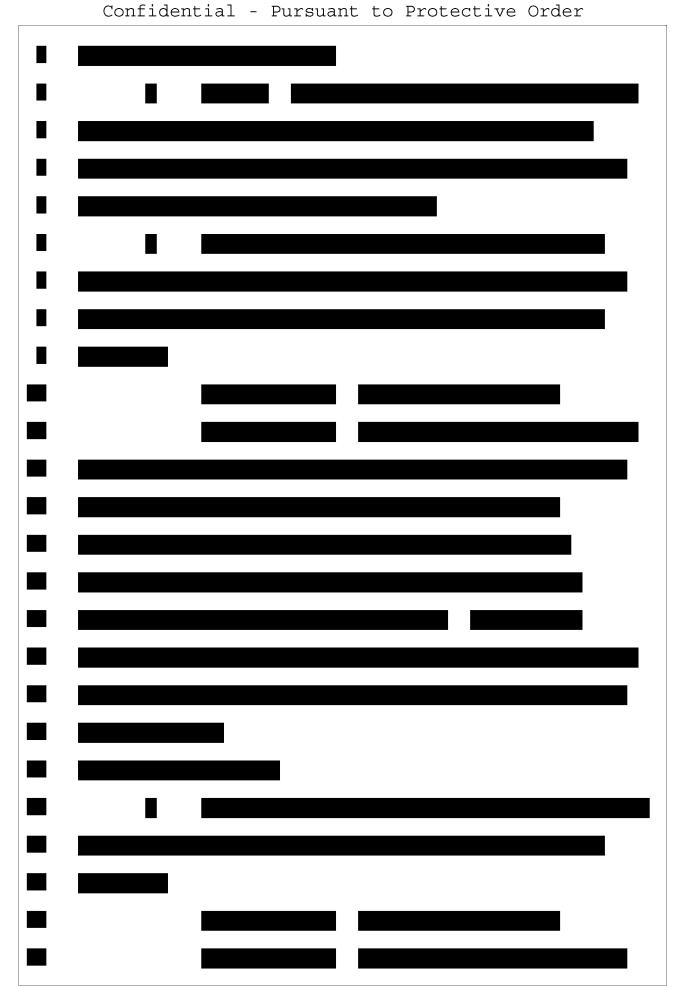
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#### 7 All right. Let's move on to Exhibit Q 8 No. 19. 9 (Murphey Exhibit No. 19 was marked 10 for identification.) 11 BY MR. ESFANDIARY: 12 Q All right. This is MONGLY0348790. It 13 contains e-mails and attachment -- e-mails sent by Samuel Murphey. The first one is dated May 21st, 1415 2016. And it's -- the subject is Germany 16 outreach. 17 Do you recall sending these e-mails, 18 Mr. Murphey? 19 I -- I don't necessarily recall sending А 20 the individual e-mails, but I recall the 21 conversation and the substance of what's being 22 discussed. 23 Okay. And does this appear to have been 0 24 created during the ordinary course of Monsanto 25 business?

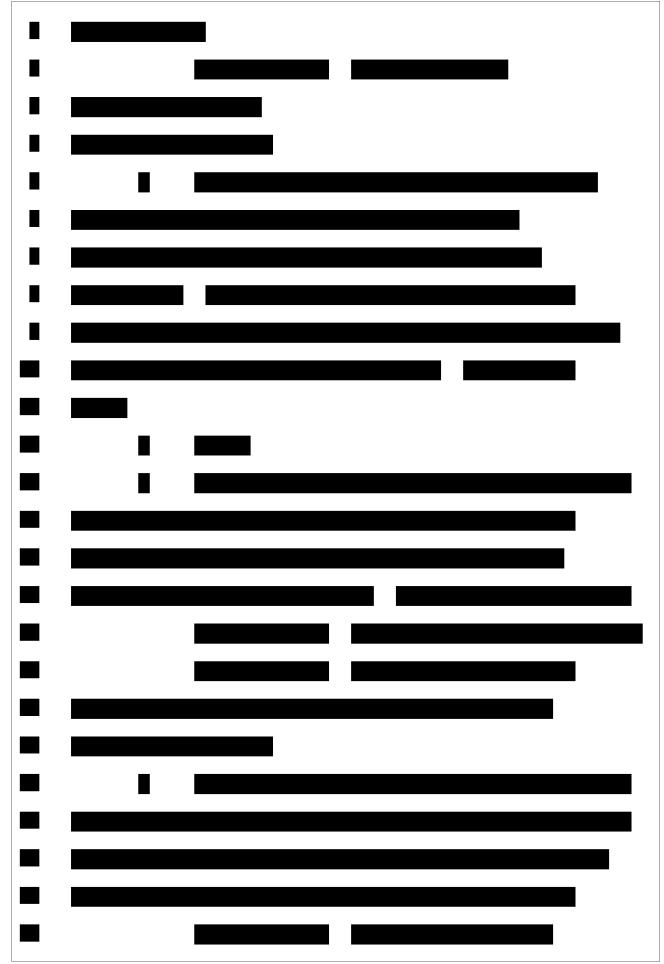
Confidential - Pursuant to Protective Order 1 MR. PARISER: Objection, form. 2 THE WITNESS: Yes. 3 MR. ESFANDIARY: Okay. I move this into 4 evidence. 5 BY MR. ESFANDIARY: 6 Q And you say here, at the first e-mail, 7 at the bottom, "The corporate engagement lead in 8 Germany has worked with FleishmanHillard to 9 develop an expanded plan for targeted outreach in 10 Germany to help move the government's position 11 back to support for glyphosate renewal. FH," that 12 is FleishmanHillard, "sent this to me for review 13 today. The scope of work outlined in the plan 14 moves beyond our previous focus on the media 15 components of the 'Let Nothing Go' campaign and 16 specifically focuses on direct outreach to 17 political stakeholders." 18 Do you see that? 19 Α I do.

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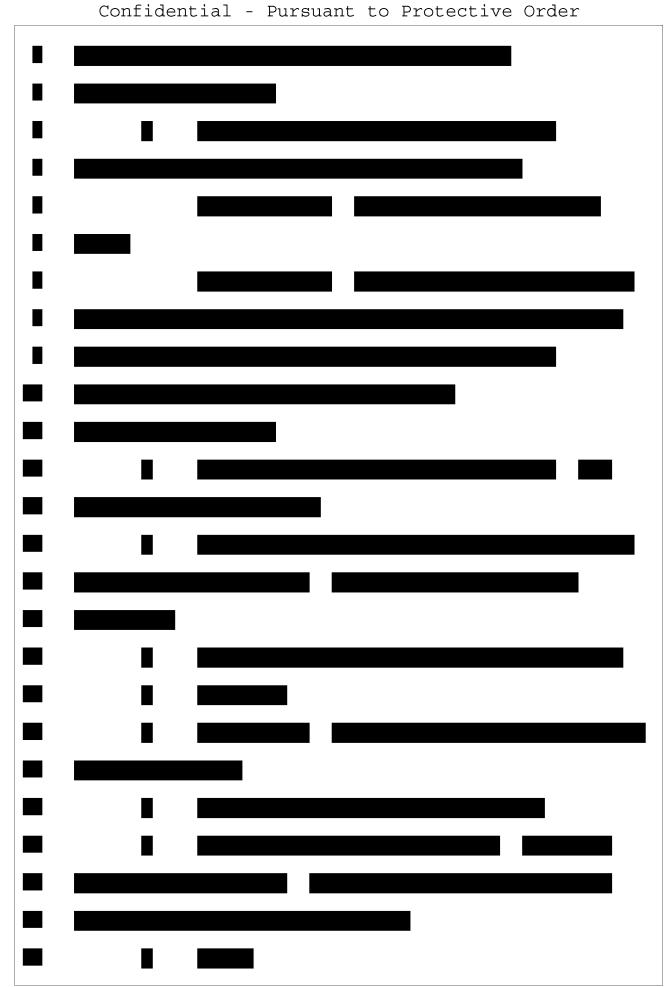


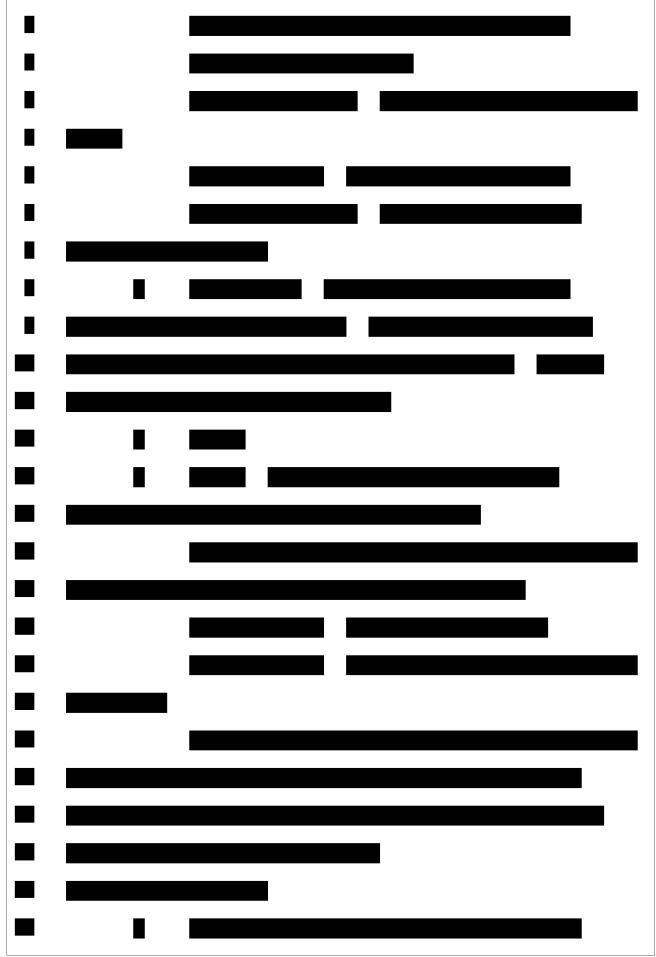
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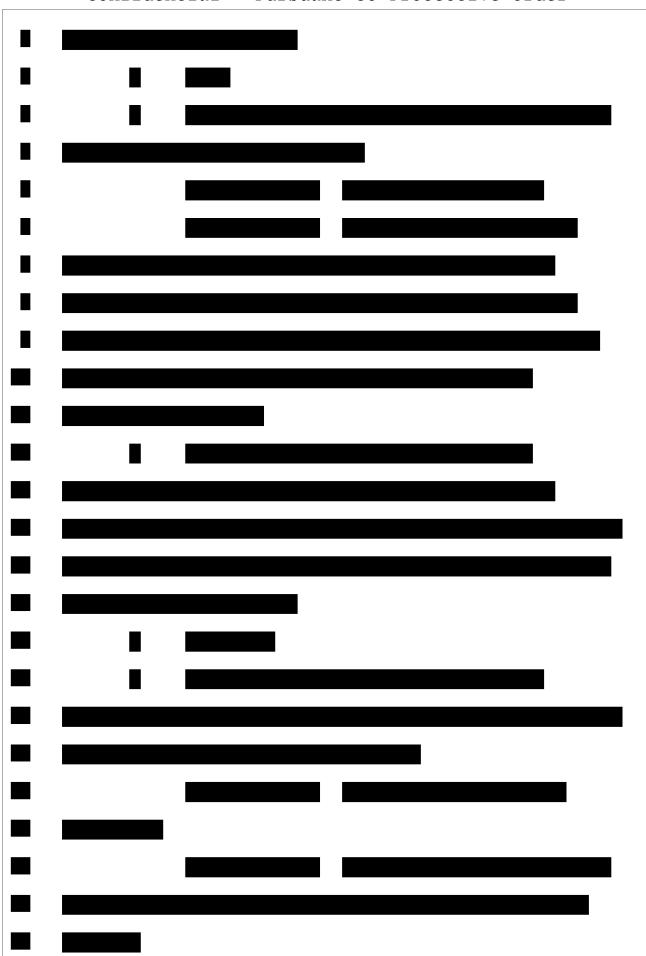


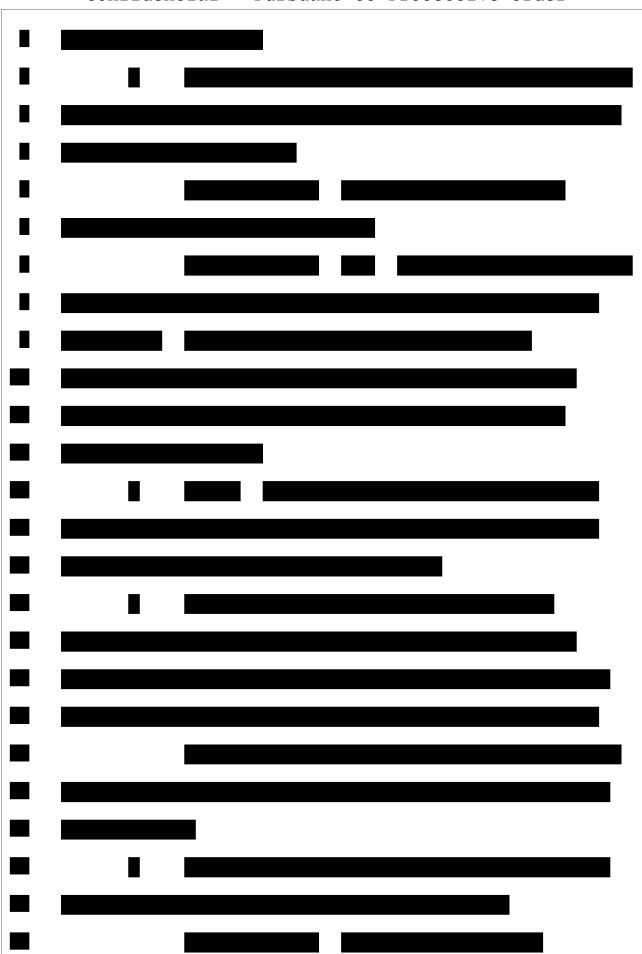
2	Q Okay. You can put that aside.
3	All right. Mr. Murphey, just for the
4	record, I am concluding the portion of the
5	corporate representative deposition. I'm going to
6	move into questions about your individual
7	capacity, although I'm reserving the right to
8	resume to asking questions on your representative
9	behalf later on if I feel the need to, okay?
10	MR. PARISER: Do we have a copy of the
11	notice to mark, just to be clear. And also,
12	Counsel, just to make sure we're both on the same
13	page, we'll do one direct at the end of the
14	examination, and I'll just make clear when my
15	questioning pertains to, you know, his 30(b)(6)
16	role, his individual role, or both.
17	MR. ESFANDIARY: Jerry?
18	MR. KRISTAL: That's fine with me, as
19	long as it's clear.
20	MR. PARISER: Thank you.
21	MR. ESFANDIARY: All right.
22	MR. KRISTAL: I mean, it's all going to
23	come in, one way or the other, or not, obviously.
24	And it's only a question of what import can be
25	attributed to an answer, that's all.

Confidential - Pursuant to Protective Order 1 Right. Thank you. MR. PARISER: 2 So do you want to just mark, for the 3 record, the deposition notice of his individual 4 capacity, so we're clear. 5 MR. ESFANDIARY: Sure. Yeah. This will be Exhibit No. 22. 6 7 (Murphey Exhibit No. 22 was marked for identification.) 8 9 BY MR. ESFANDIARY: 10 Just put it over here for now. 0 11 Okay. Where are we? Okay. 12 Mr. Murphey, Monsanto is -- has been concerned 13 with the costs associated with marketing a safer 14 Roundup formulation, correct? 15 MR. PARISER: Hold on one second. 16 Can we go off the record for a second? 17 My Livenote has stopped. 18 THE VIDEOGRAPHER: The time is 19 2:50 p.m., and we are going off the record. 20 (Pause.) 21 THE VIDEOGRAPHER: The time is 2:51 22 p.m., and we're back on the record. 23 MR. PARISER: Can we just have the 24 question reread? 25 (Whereupon, the requested record

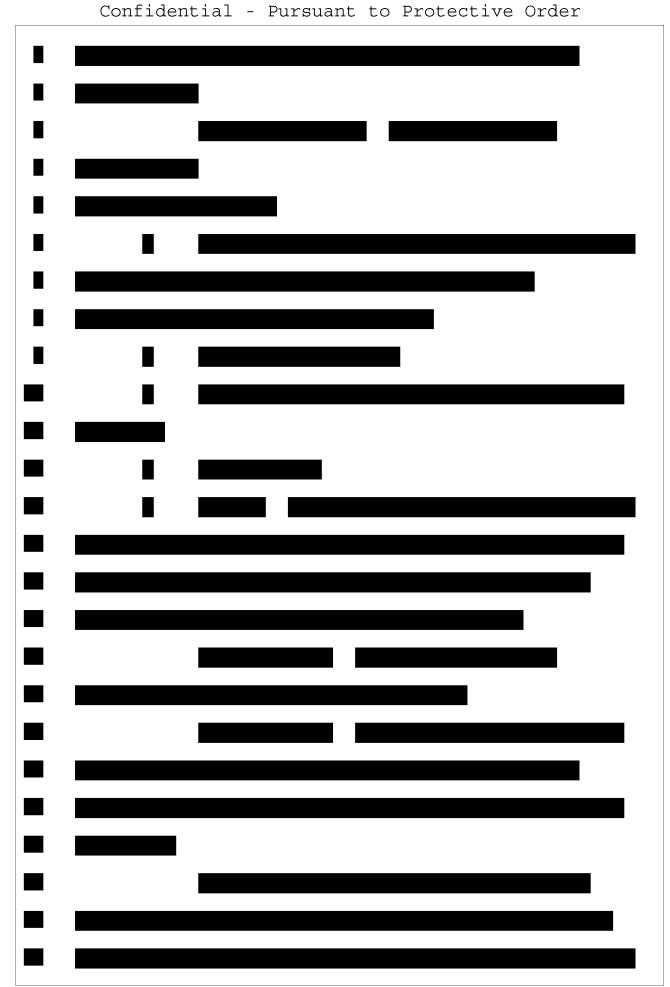
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1	was read.)
2	MR. PARISER: Objection to form,
3	foundation.
4	THE WITNESS: That I'm not familiar
5	with that directly. If there is a document you'd
6	like to show me, I'd be happy to look at it.

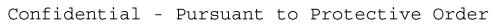
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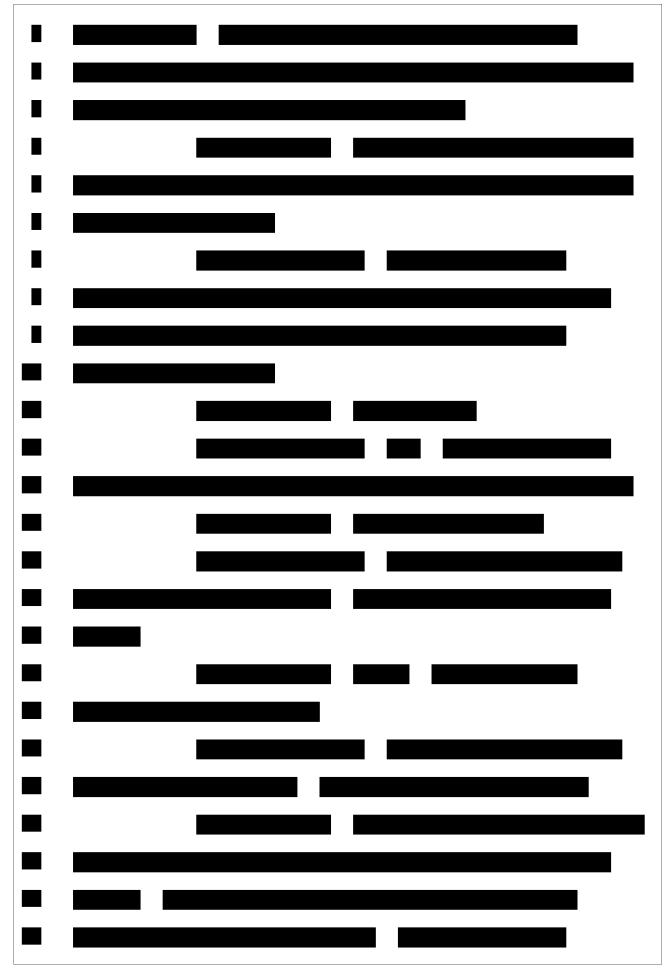




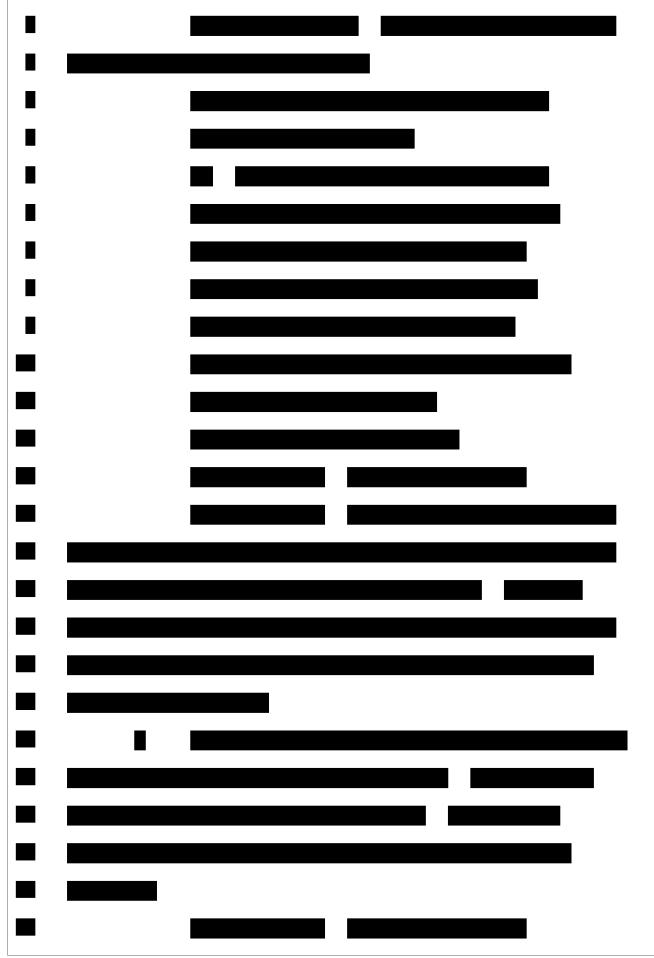
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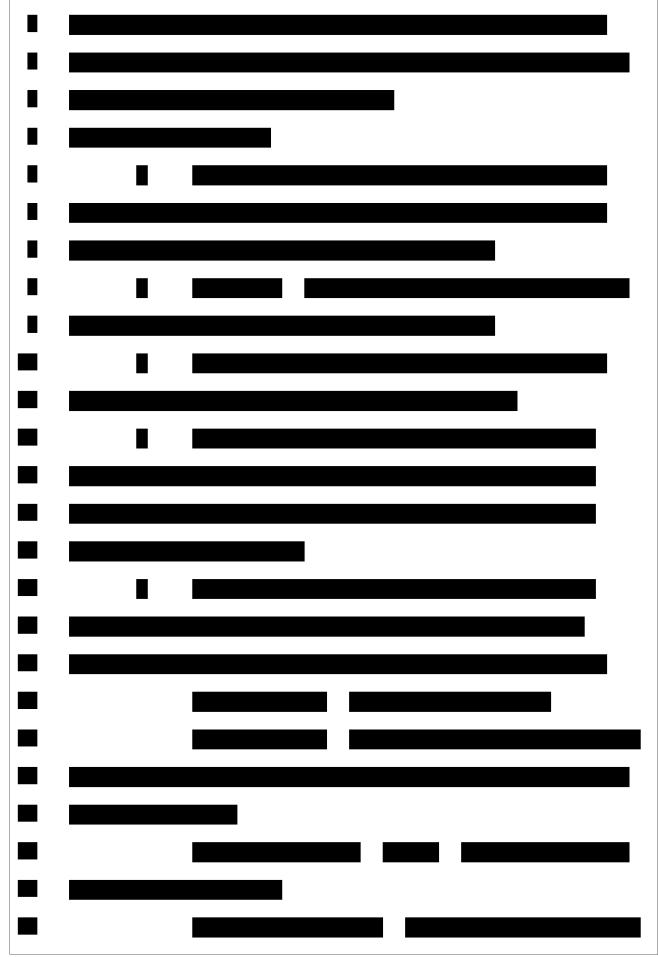


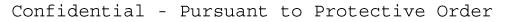


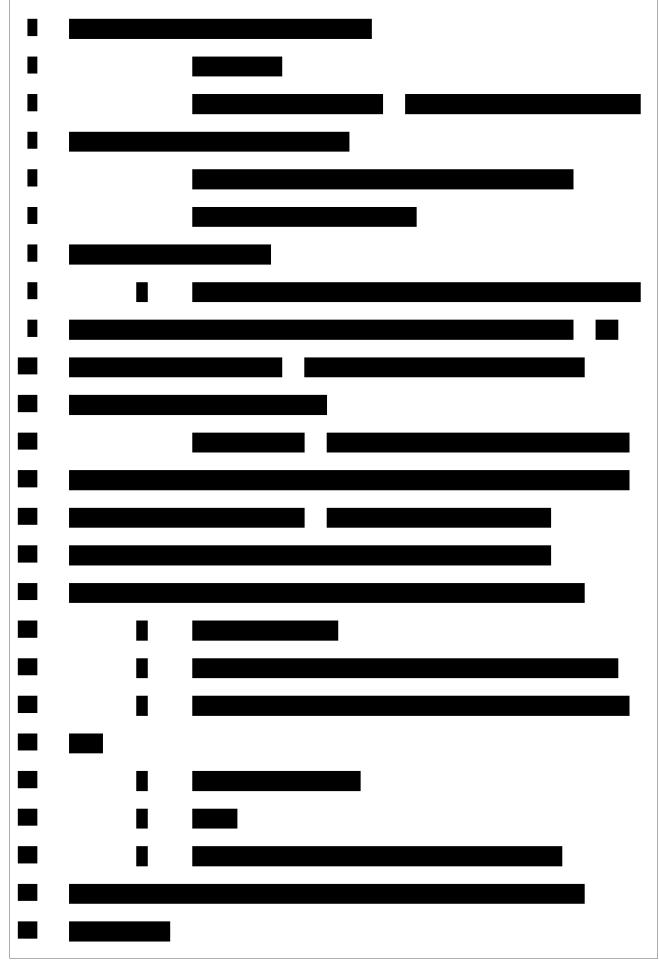


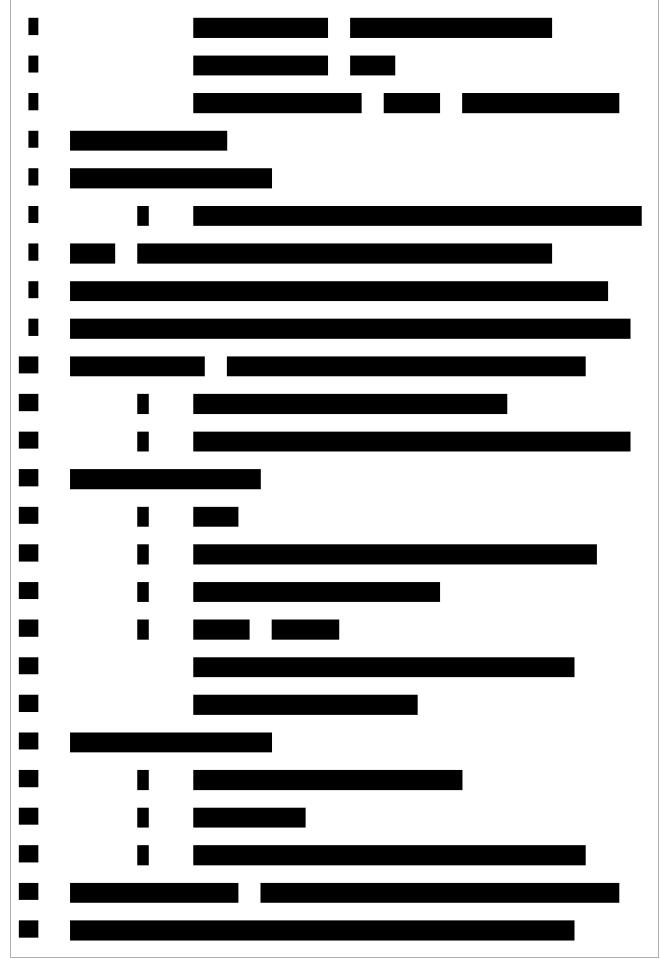
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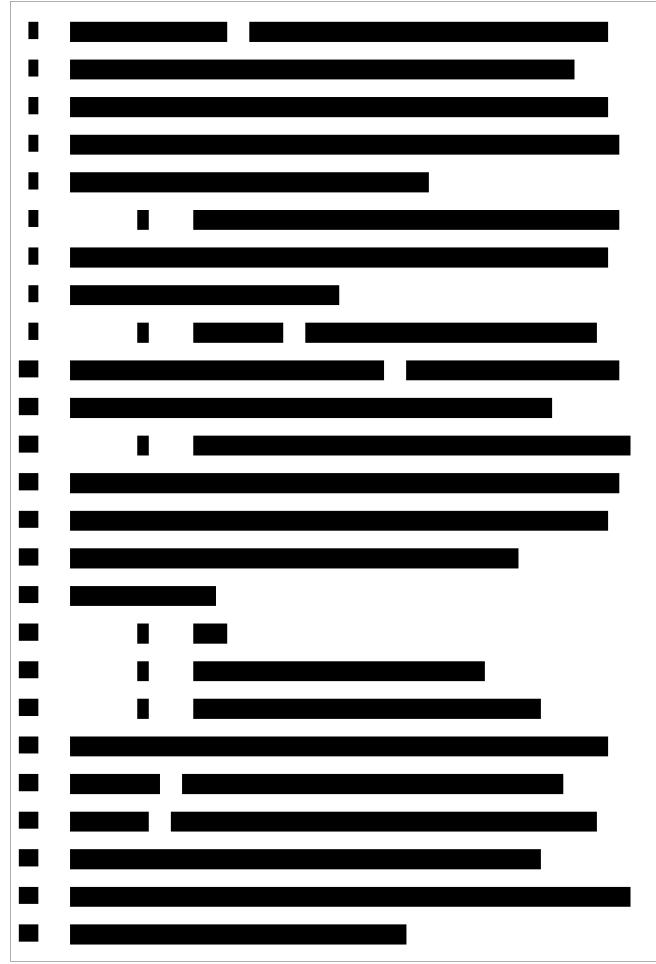


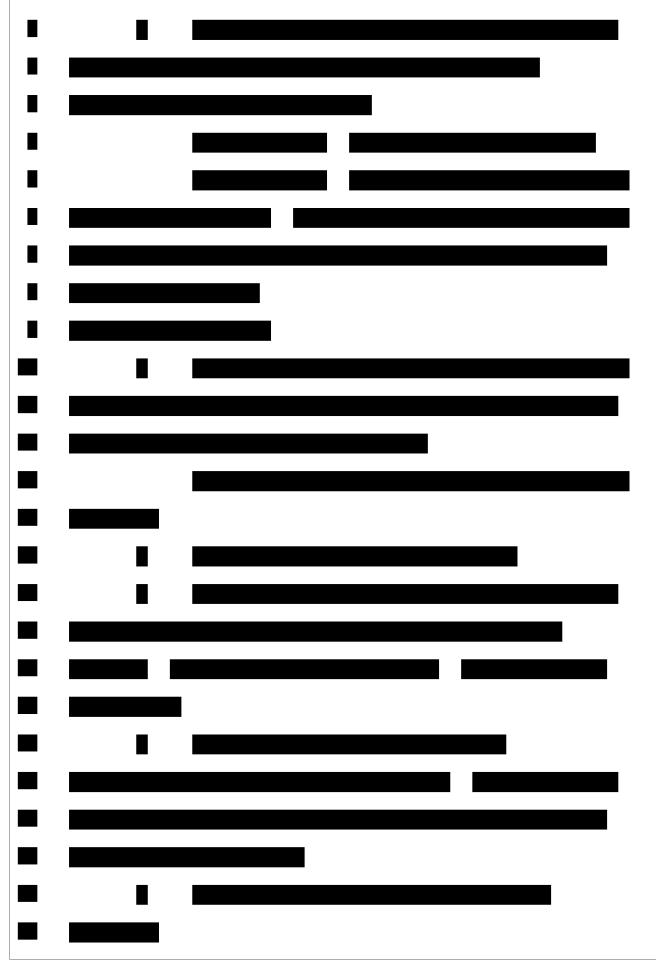






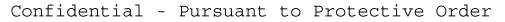


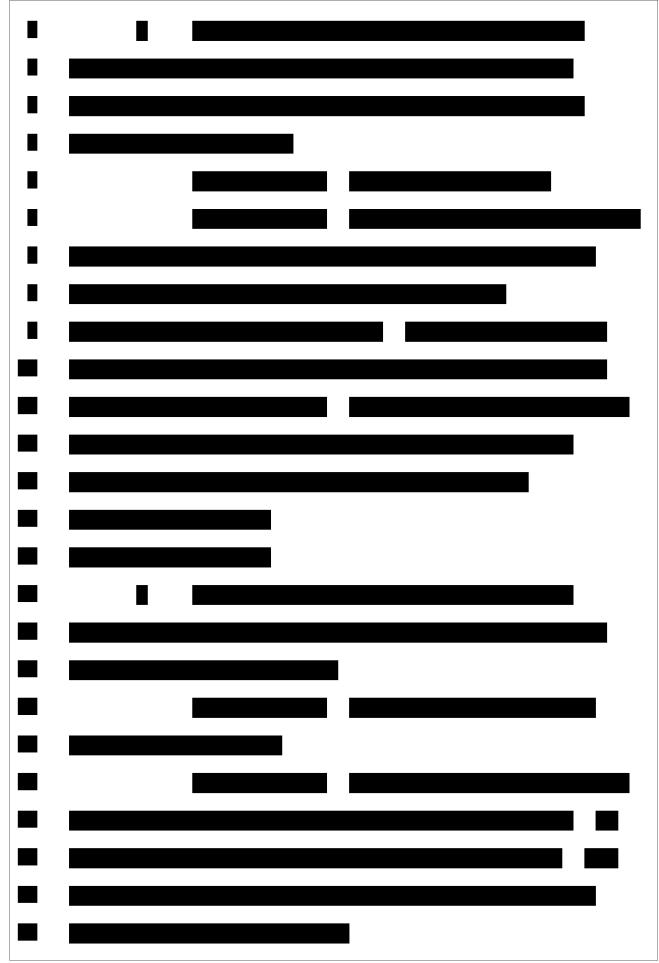


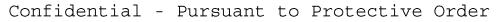


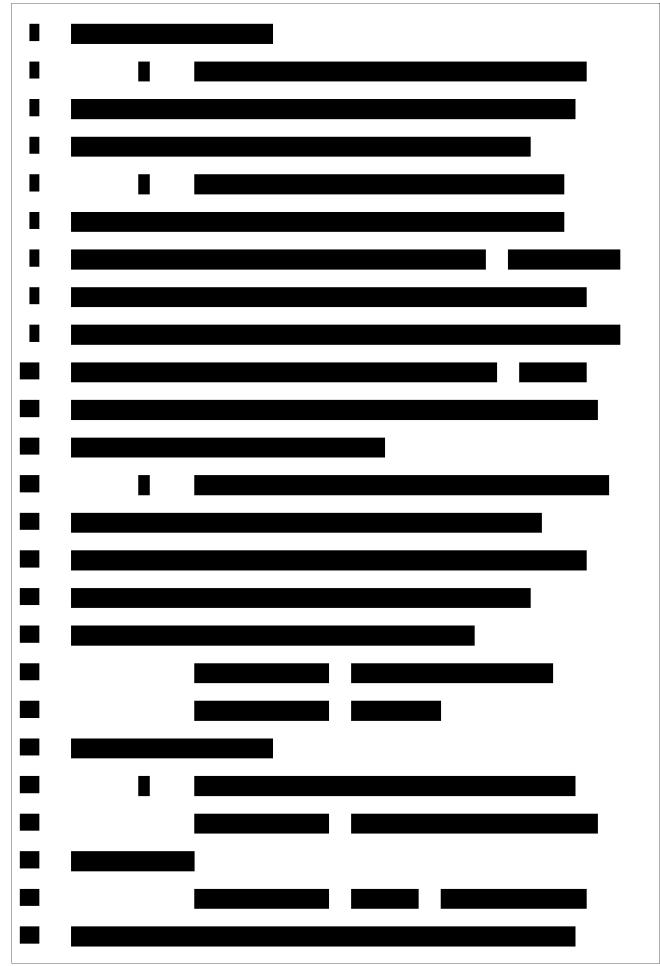
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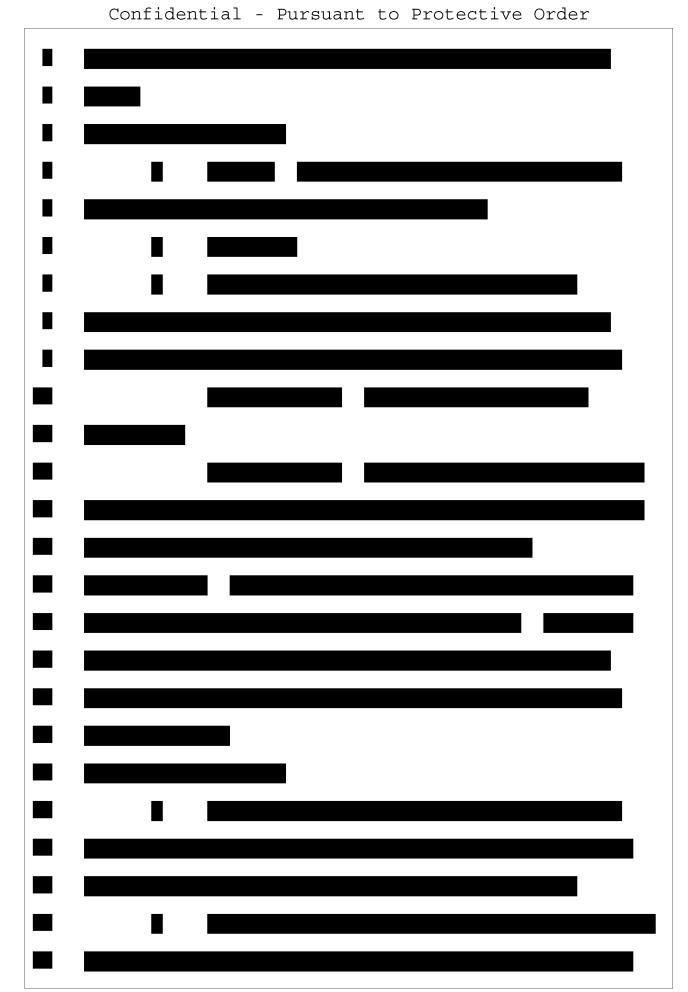
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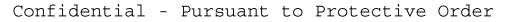


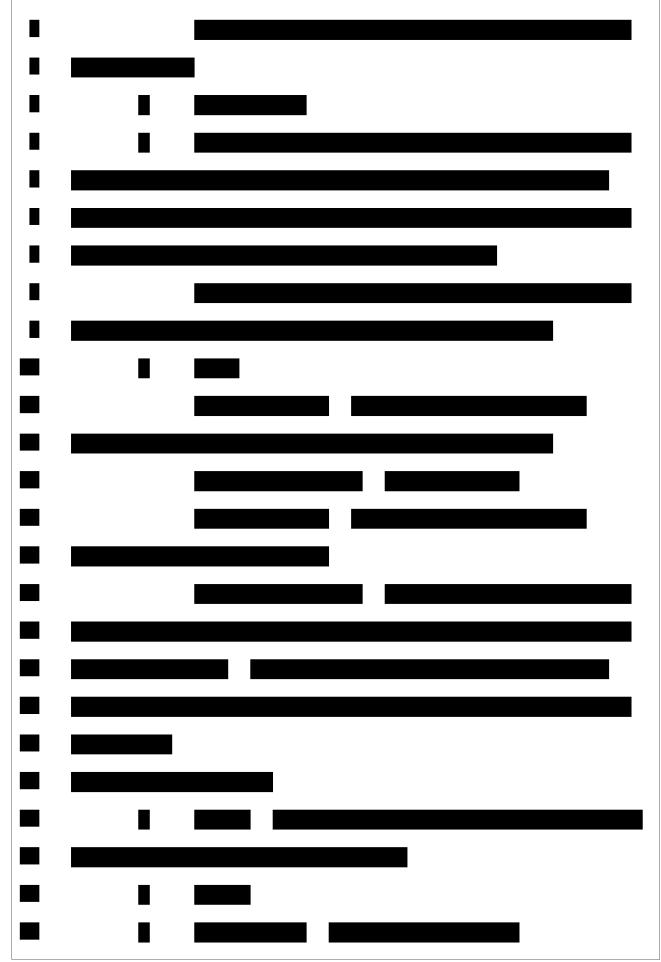


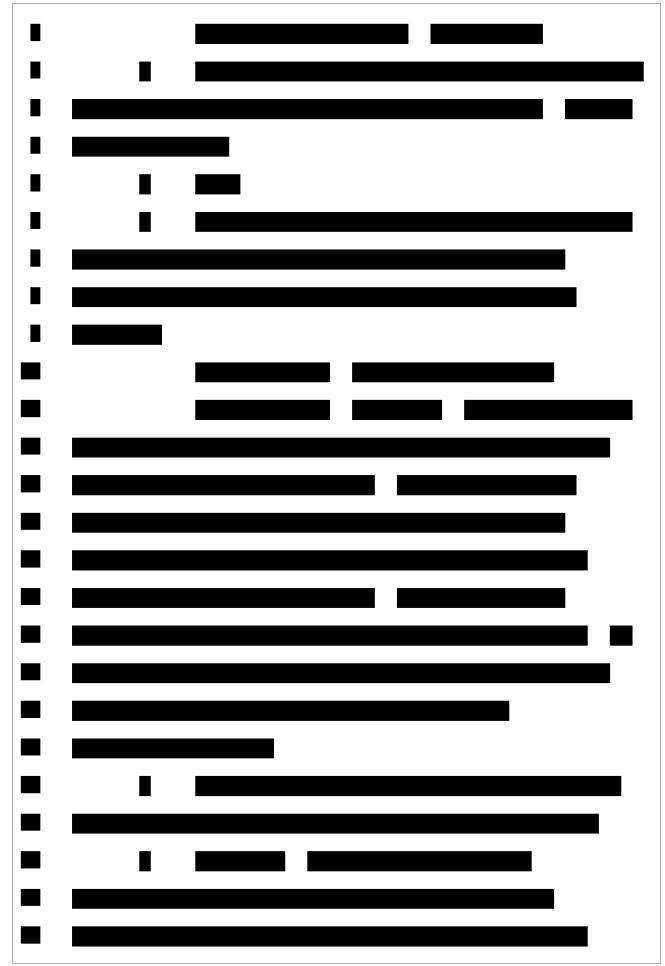


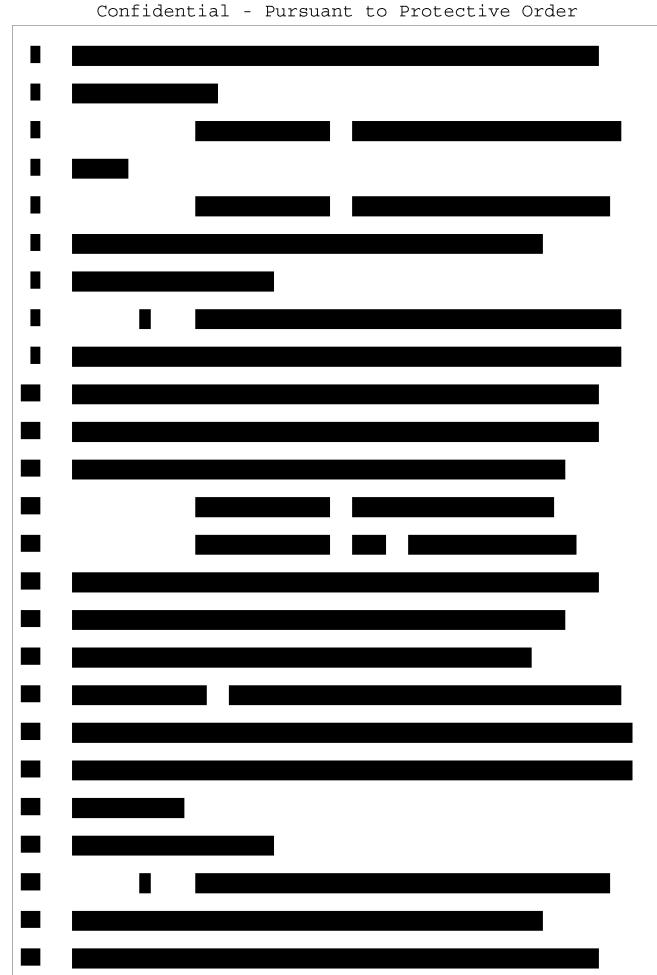


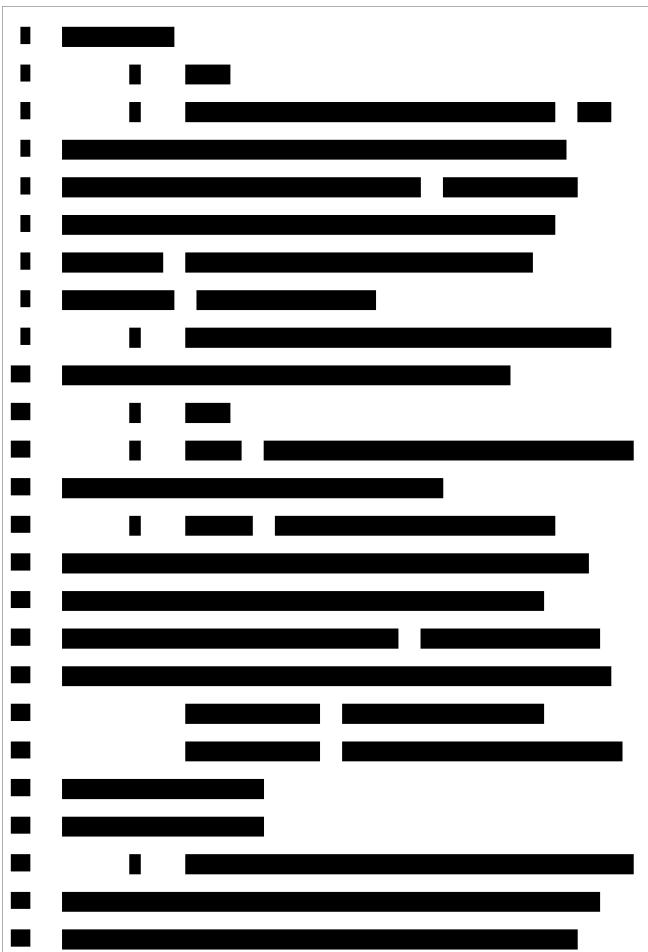


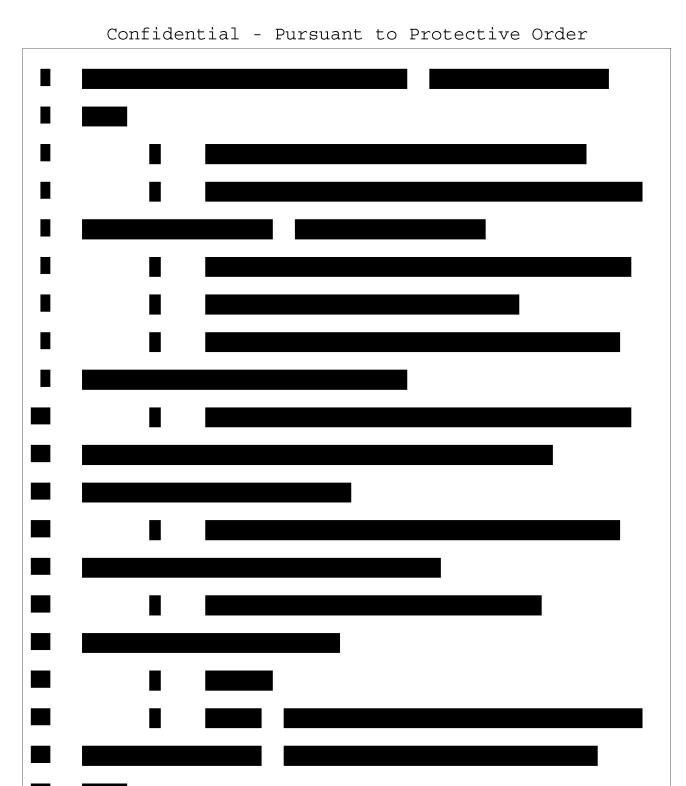




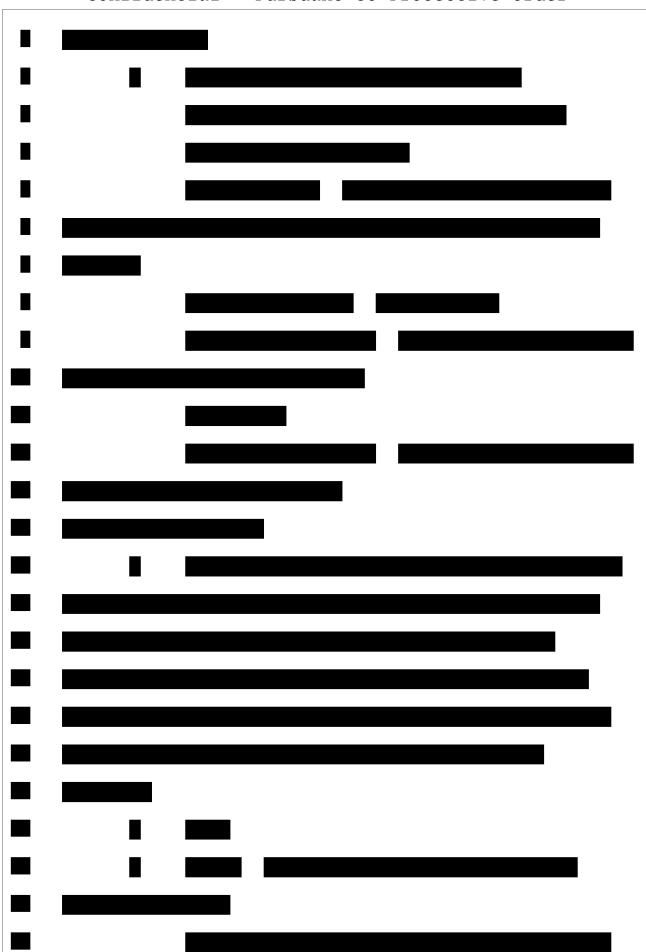




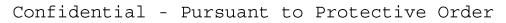


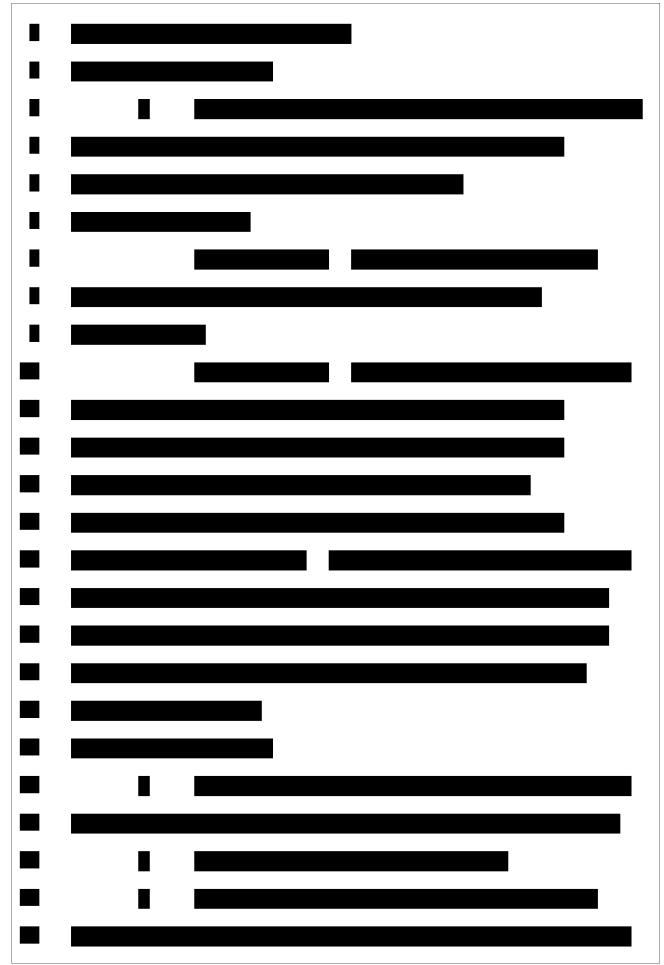


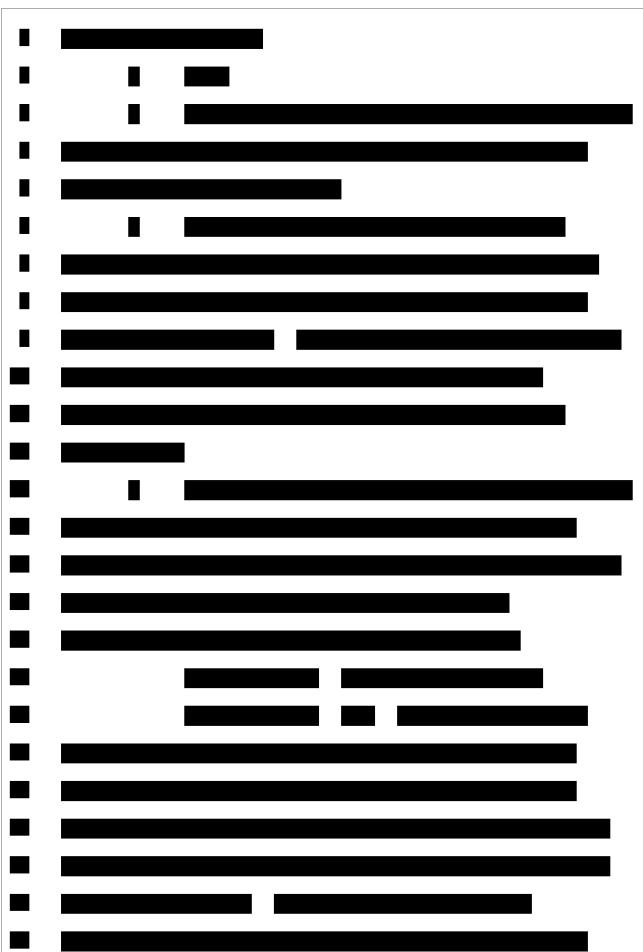
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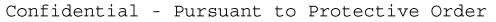
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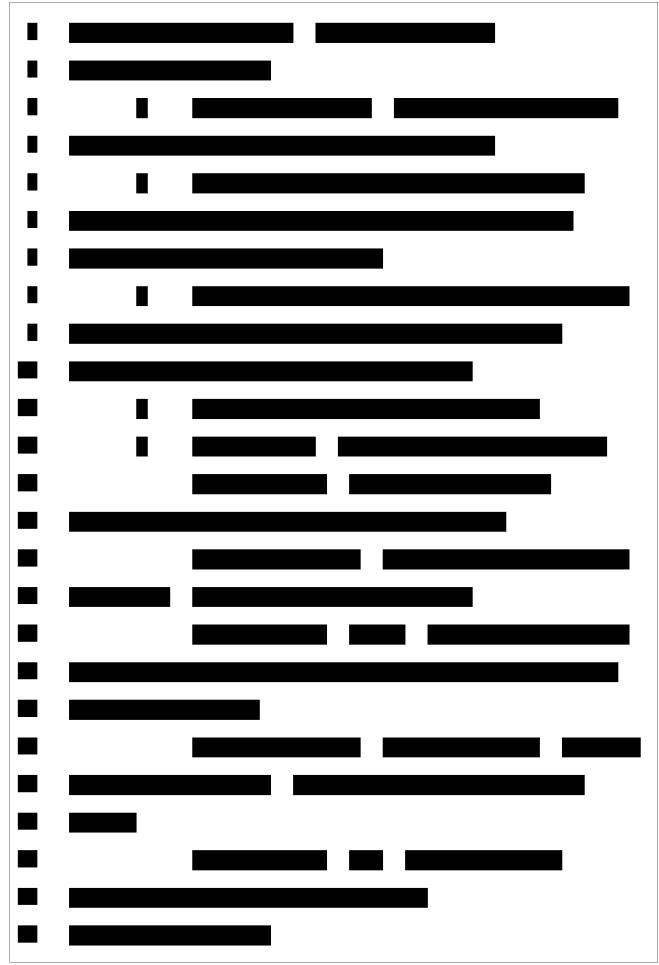


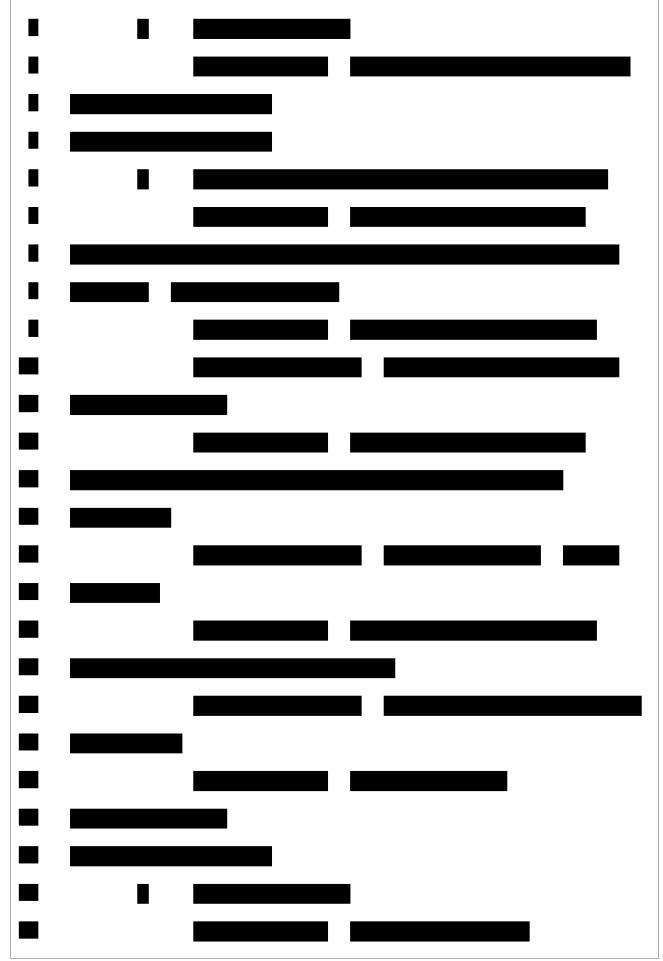


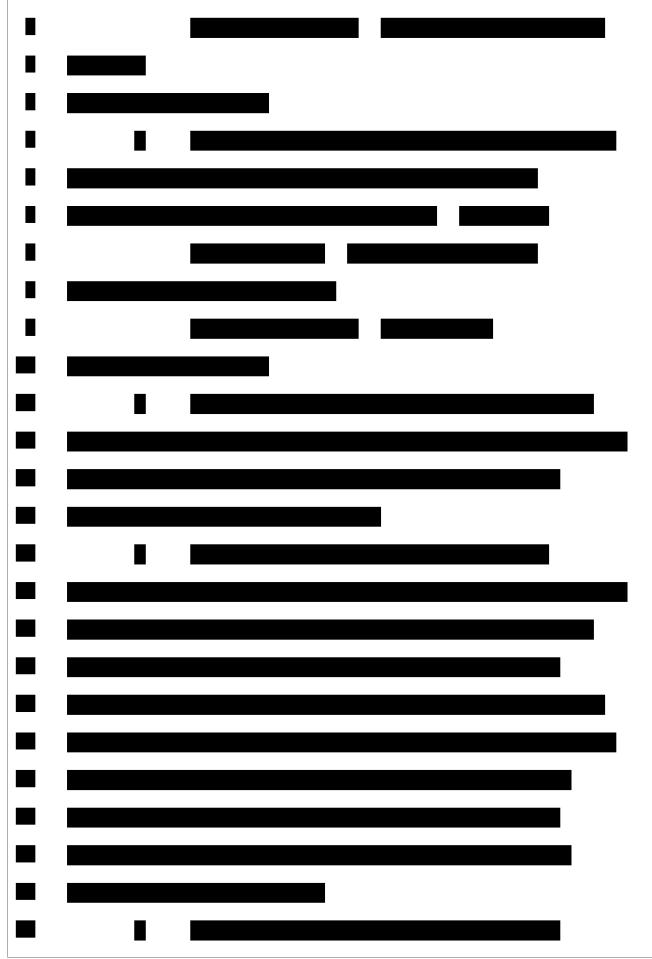


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24	(Murphey Exhibit No. 28 was marked
25	for identification.)

	Confidential - Pursuant to Protective Order
1	BY MR. ESFANDIARY:
2	Q I'm handing you Exhibit 28. It contains
3	a series of e-mails to and from yourself,
4	MONGLY03381565, February 9th, 2016.
5	And you see that there is an e-mail from
6	you on the front face of this document?
7	A I do.
8	Q Do you know if these were sent during
9	the ordinary course of Monsanto business?
10	MR. PARISER: Objection to form.
11	THE WITNESS: Yes.
12	MR. ESFANDIARY: Okay. Move this into
13	evidence.
14	BY MR. ESFANDIARY:

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3 0 And you respond, on page 566, Samuel 4 Murphey to David Heering, "My recommendation is to make sure our stakeholders are aware, but as a 5 6 company, I advise against pushing this directly. 7 I will be interested in Brian's guidance, but with 8 negotiations ongoing at the WHO level, I worry 9 that getting too close to this could undermine 10 those discussions." Do you see that? 11 Α Could you point me to the Bates number 12 on that again, please? 13 It is on page 566. It's in the top 0 14 paragraph there, from you, Samuel Murphey, 15 February 9th. 16 Okay, I've got it. Yes, I see that. А 17 And then on the front page of this 0 document, you say, "I'm fully supportive of 18 19 getting out to our stakeholders (Prop 65 and 20 others) and asking them to share and discuss. Ι 21 just think we want the public push at arm's-length 22 from Monsanto." Do you see that, sir? 23 T do. Α 24 So do you disagree with our own 0 25 characterization of Monsanto's activity?

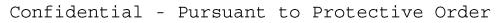
1	MR. PARISER: Objection to form.
2	THE WITNESS: No, I think this this
3	was a recommendation that I was making in the
4	context of this one particular story and isn't
5	reflective of the broader approach that we
6	generally take to media.
7	BY MR. ESFANDIARY:
8	Q Mr. Murphey, earlier today, you
9	testified that you disagree with the
10	characterization that Monsanto was trying to
11	influence public opinion at an arm's-length. And
12	here you are, on February 9th, 2016, saying to
13	your Monsanto colleagues that you think that you
14	should be pushing the story "want the public
15	push at arm's-length from Monsanto." Do you see
16	that, sir?
17	MR. PARISER: Objection to the form of
18	the question, argumentative, asked and answered.
19	THE WITNESS: No, I do see here that I'm
20	recommending that we we share this with various
21	stakeholders, and ask them to discuss it. You
22	know, the proposal on the table was whether to use
23	Monsanto social media channels, for instance, to
24	share the story broadly. And my recommendation
25	was not to do that in this instance, but to share

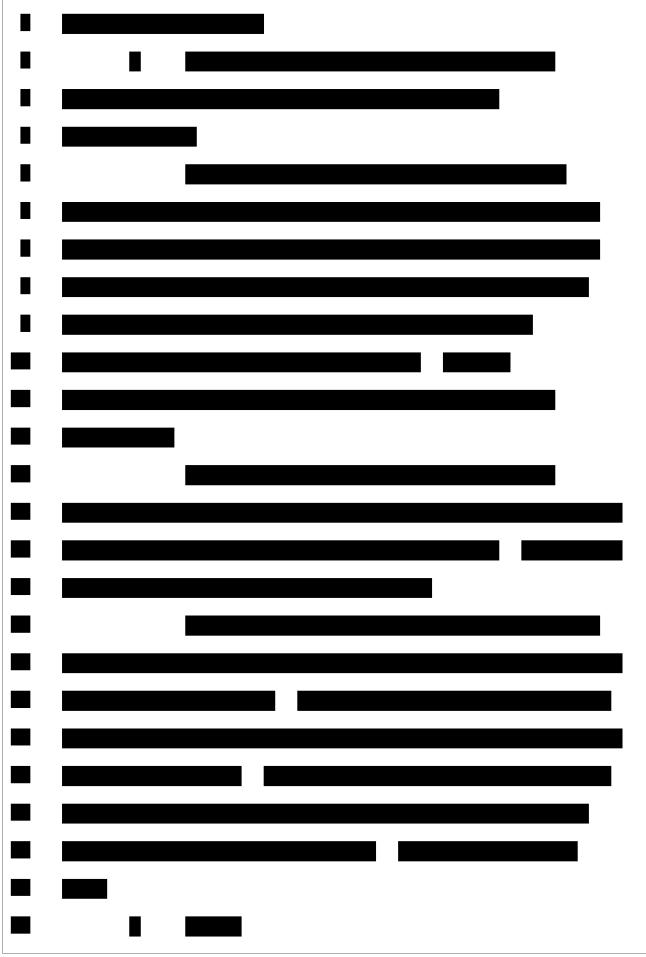
Confidential - Pursuant to Protective Order the -- to share the information in the story with 1 2 a variety of stakeholders. 3 BY MR. ESFANDIARY: 4 Q Mr. Murphey, your recommendation was to 5 get the public push at arm's-length from Monsanto, 6 correct? Isn't that what you say there, sir --7 Α Yes. -- on the face of this document? So you 8 0 9 do not disagree that part of Monsanto's 10 initiatives in influencing the public opinion on 11 glyphosate safety involved doing so at 12 arm's-length from Monsanto, correct? 13 MR. PARISER: Objection to form. 14 THE WITNESS: No, as I've -- as I've 15 explained, our public affairs strategies had 16 multiple approaches. In the context of sharing 17 this one particular story, my recommendation was 18 to provide it to stakeholders, and not to promote 19 it directly, for instance, from Monsanto's social 20 media channels. 21 BY MR. ESFANDIARY: 22 So Monsanto -- part of Monsanto's 0 23 initiative in protecting the public image of 24 glyphosate did involve doing so at arm's-length 25 from Monsanto, correct?

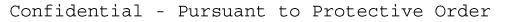
1	A In the instance of this particular
2	story, my recommendation was to share this with
3	stakeholders, and not to promote it directly from
4	Monsanto's corporate social media channels.
5	(Murphey Exhibit No. 29 was marked
6	for identification.)
7	BY MR. ESFANDIARY:
8	Q Mr. Murphey, this is Exhibit 29 to your
9	deposition. It's a series of e-mails.
10	The initial Bates is MONGLY07673376. And if
11	you have you it's dated August 19th, 2015,
12	subject: "Heads Up - New England Journal of
13	Medicine Op-Ed."
14	Does this appear to have been created
15	during the ordinary course of Monsanto business,
16	sir?
17	MR. PARISER: Objection to form.
18	THE WITNESS: Yes.
19	MR. ESFANDIARY: I'll move this into
20	evidence.
21	BY MR. ESFANDIARY:
22	Q And if you turn to the last page of the
23	document, there's an e-mail from you, sent
24	Wednesday, August 19th, 2015, to a whole slew of
25	Monsanto employees, with a subject, Heads Up - New
a . 11 .	v. Litiantion Commisson

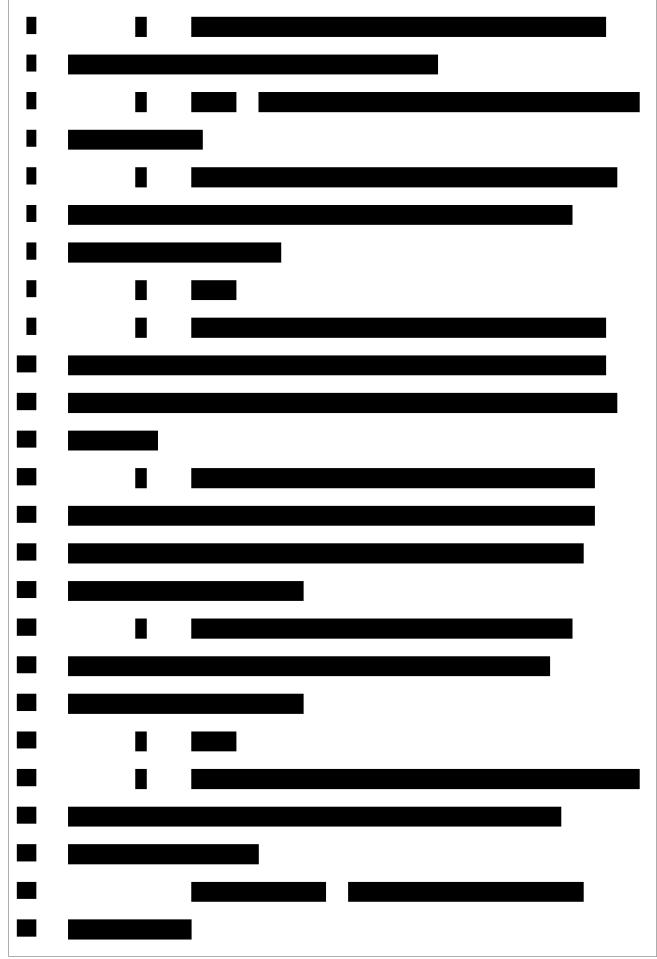
1 England Journal of Medicine Op-Ed. 2 And you say, "Corporate engagement ops: 3 I wanted to make you aware of our strategy for 4 responding to an Op Ed that we'll publish later 5 today in the Perspective section of the New 6 England Journal of Medicine. The Op Ed, by Philip 7 Landrigan and Charles Benbrook, frequent 8 anti-GM/pesticide commentators, is critical of Glyphosate 2,4-D and Dow's endless products." 9 10 At the bottom, you say, "The Op Ed 11 attached to this e-mail is under embargo until 12 5 p.m. Eastern, 4 p.m. Central today. Please do 13 not share the Op Ed with others at this time." Do 14 you see that, sir? 15 Α Yes. 16 Mr. Murphey, how on Earth did Monsanto Q 17 get its hands on an Op Ed that had not been 18 published yet? 19 MR. PARISER: Objection to form. 20 THE WITNESS: The use of embargoes in 21 the journalism and public affairs industry is 22 fairly common. I don't recall in this specific 23 instance of this Op Ed, but there are occasions, for instance, where a journalist who will have 24 25 been provided a copy of the Op Ed or article by

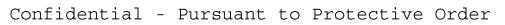
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1	the journal in advance, reaches out to seek to
2	seek our comment. And in that case, would share
3	would share would share the piece with us. But
4	again, I don't understand in the specific context
5	of of this Op Ed.
6	BY MR. ESFANDIARY:
7	Q Are you aware that Chuck Benbrook is an
8	expert for plaintiffs in this litigation?
9	A I am.











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Confidential - Pursuant to Protective Order 5 MR. ESFANDIARY: I'm going to mark as 6 Exhibit No. 31, a series of e-mails. 7 (Murphey Exhibit No. 31 was marked for identification.) 8 9 BY MR. ESFANDIARY: 10 It's an e-mail from yourself to 0 11 Mr. Jenkins, and Mr. Jenkins returning back to 12 you. And it's MONGLY03402231, dated April 21st, 13 2016. 14 Mr. Murphey, does this appear to have 15 been created under the ordinary course of Monsanto 16 business? 17 MR. PARISER: Objection to form. 18 THE WITNESS: Yes. 19 BY MR. ESFANDIARY: 20 Now, Mr. Jenkins sends a statement to 0 21 Anne Overstreet from the EPA, on page ending in 22 Bates 233, correct? 23 He does. Α 24 Okay. And this statement appears to be 0 25 coming from the EPA, the way in which it's -- in

1 which it's addressed, correct? It says, "The EPA 2 always strives to base its decisions on the best 3 sound science." And the second paragraph says, 4 "Currently, we are working through some important science issues on glyphosate, including residues 5 6 of the chemical in human breast milk, an in-depth 7 human incidents and epidemiology evaluation, the 8 International Agency on Research for Cancer, 9 IARC's cancer reevaluation released in August 10 2015, and a preliminary analysis of glyphosate 11 toxicity to milk weed." Do you see that, sir? 12 MR. PARISER: Objection to form. 13 THE WITNESS: Yes. And then it 14concludes, "The toxicity to milk weed, a critical 15 resource for the Monarch butterfly. We hope to 16 issue the draft cancer risk assessment for public 17 comment later in 2016." 18 BY MR. ESFANDIARY:

Q Right. And this e-mail from Dan Jenkins to Ms. Overstreet is forwarded through various Monsanto employees, including yourself. And you say, in an e-mail from April 21st, "Anne Overstreet says in her e-mail that she provided the shorter statement to Bloomberg on March 8th. The longer statement that I shared was provided by

1	EPA's Robert Daguillard to a publication called
2	Farm World on April 19th. Anne's shorter
3	statement refers to a draft risk assessment to be
4	released in late 2016 for public comment.
5	Robert's longer statement refers to a draft cancer
6	risk assessment to be released in late 2016 for
7	public comment. Are they referring to the same
8	risk assessment or something different? Or is
9	Anne talking about the PRA and Robert about the
10	CARC?"
11	Do you see that?
12	A I do.
13	Q And then Mr. Jenkins' response to you,
14	"Anne and I quite talked quite a bit today.
15	What she was doing below is showing me what she
16	had written for their press office use." Do you
17	see that, sir?
18	A Yes.
19	Q Now, would the EPA and would the EPA
20	regularly share press statements with Monsanto
21	prior to issuing them to the rest of the world?
22	A No, but that doesn't seem to be
23	what's what's happening here. In in looking
24	through the entire chain, it looks like perhaps
25	the statement that Mr. Jenkins originally sent to

Ms. Overstreet was something that I had seen in 1 2 the Farm World publication. 3 That's -- and it looks like, then, 4 Mr. Jenkins perhaps sent it to Ms. Overstreet to 5 ask her to confirm if it was an accurate -- an 6 accurate EPA statement, because then she comes 7 back in that e-mail you were just reading from, 8 the top, you know, she is demonstrating between 9 the two versions, that the statement had been 10 changed by someone down the line, and that the 11 reference in the original longer statement to a 12 public comment on the draft cancer risk assessment 13 was inaccurate. 14 Did you prepare talking points in a 0 15 meeting -- private meeting between Monsanto and 16 Gina McCarthy, the former administrator of the 17 EPA? 18 MR. PARISER: Objection to form. 19 THE WITNESS: I was -- I was involved in 20 the preparation of talking points for a -- for a 21 meeting with the administrator. 22 BY MR. ESFANDIARY: 23 And the meeting with the administrator 0 24 was not open to public scrutiny, was it, sir? 25 Α I --

Confidential - Pursuant to Protective Order 1 MR. PARISER: Objection to form. 2 THE WITNESS: I don't understand what 3 you mean by "public scrutiny." 4 BY MR. ESFANDIARY: 5 Were others from the public invited to 0 6 observe the meeting between Monsanto and Gina 7 McCarthy, the administrator of the EPA? 8 No, my -- my understanding was that was Α not a -- not a public meeting, but the EPA meets 9 10 with many different stakeholders on many different 11 topics. 12 MR. ESFANDIARY: Exhibit No. 32. 13 (Murphey Exhibit No. 32 was marked 14 for identification.) 15 BY MR. ESFANDIARY: 16 And it's an e-mail, MONGLY03550799, from 0 17 David Heering to Samuel Murphy, 8-9-2016, and it's 18 titled "Talking Points for Conversation with 19 Gina." Gina referring to Ms. McCarthy, the former 20 administrator of the EPA, correct? 21 Yes, Administrator McCarthy. Α 22 Okay. So one of the talking points in 0 the attachment there is -- well, first of all, was 23 this created during the ordinary course of 24 25 Monsanto business?

Confidential - Pursuant to Protective Order 1 MR. PARISER: Objection to form. 2 THE WITNESS: Yes. 3 MR. ESFANDIARY: Okay, move this into 4 evidence. 5 BY MR. ESFANDIARY: 6 Q The -- if you turn the page to the 7 attachment, it says, "Suggested areas of focus for 8 the conversation." And you say, "There is already 9 enough for EPA to act without the Scientific 10 Advisory Panel." 11 Do you see that, sir? 12 Α Yes, I see that bullet point. 13 And then, at the bottom, it says, "Other 0 14countries are watching what both the EU and U.S. 15 EPA are doing. They have relied upon product 16 assessments by these two agencies for years to quide them in their own risk assessments." Do you 17 18 see that, sir? 19 А I do. 20 So Monsanto was of the opinion that with 0 21 respect -- you know, whatever the decision EPA 22 makes with respect to glyphosate, other countries 23 were bound to rely upon that, correct? 24 Yes, my understanding from conversations Α 25 with our scientific and regulatory experts, is

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1	that the the USEPA and the European authorities
2	are looked to by a number of other countries as
3	as models.
4	Q So if the EPA's glyphosate issue paper
5	is, for the sake of a hypothetical, tainted by
6	some undisclosed conflict of interest, would other
7	countries then also be relying upon that
8	glyphosate issue paper for their assessments of
9	glyphosate?
10	MR. PARISER: Objection to form,
11	improper hypothetical.
12	THE WITNESS: It's I I don't
13	understand what you are asking, with regard to the
14	potential tainting.
15	BY MR. ESFANDIARY:
16	Q Well, my question let me put it this
17	way.
18	Would an undisclosed conflict of
19	interest in the EPA's 2016 glyphosate issue paper
20	have repercussions around the world, in terms of
21	what other regulatory decisions regulatory
22	agencies do with respect to glyphosate?
23	MR. PARISER: Same objections.
24	THE WITNESS: I'm I'm not aware of
25	any conflict of interest within the issue paper,
1	

Confidential - Pursuant to Protective Order 1 so I can only reiterate that I do know that EPA 2 assessments are looked at by many other countries 3 around the world. 4 BY MR. ESFANDIARY: 5 Now, you testified earlier that you're 0 aware of who Mr. Jess Roland was, correct? 6 7 Yes, I'm aware that Mr. Rowland was an А 8 official at the EPA. He was in the Office of Pesticide 9 0 10 Programs, correct? 11 А That was my understanding. 12 0 And he helped coauthor, or was the lead 13 chair on the CARC report, correct? 14 Again, I know he was -- he was involved Α 15 in the -- in the Cancer Assessment Review 16 Committee. I'm -- I'm not familiar with his 17 specific role. 18 Did Monsanto have a -- are you aware of 0 19 whether Monsanto had a strong working relationship 20 with Mr. Rowland during his tenure at the OPP? 21 А I was -- was aware that Monsanto 22 employees occasionally interacted with Mr. Rowland 23 in the course of business. 24 MR. ESFANDIARY: Was that Exhibit 32? 25 THE WITNESS: Yes, 32, sir.

1	MR. ESFANDIARY: So this is
2	BY MR. ESFANDIARY:
3	Q Are you aware that right after IARC's
4	initial announcement of its classification, the
5	Agency for Toxic Diseases what is it, Toxic
6	Substances and Disease Registry was also looking
7	to review glyphosate?
8	A I was was aware that there had been
9	conversations about a a possible review there.
10	Q And Monsanto was concerned about this
11	review, correct?
12	MR. PARISER: Objection to form and
13	foundation.
14	THE WITNESS: Yes, we were we were
15	concerned, in that it would be a duplicative
16	review by another agency, while the EPA was
17	conducting its work. And the EPA is the federal
18	agency charged with evaluating product products
19	like glyphosate.
20	BY MR. ESFANDIARY:
21	Q Sir, you'd agree with me that an issue
22	as serious as a product causing cancer warrants
23	the most rigorous analysis and scrutiny as
24	possible, correct?
25	A Yes, I do, by the by the agencies

1 charged with making those types of assessments. 2 And with regard to glyphosate and pesticide products in the U.S., that agency is the USEPA. 3 4 Do you have any reason to doubt the 0 5 ability of the ATSDR to perform a comprehensive 6 analysis of glyphosate safety? 7 MR. PARISER: Objection to form and 8 foundation. 9 THE WITNESS: I am not personally 10 familiar with the ATSDR's capabilities, but I know 11 that the EPA is specifically designed to make 12 those types of assessments, with regard to 13 pesticide products. 14BY MR. ESFANDIARY: 15 So why would it be duplicative of the 0 16 ATSDR to also assess the carcinogenicity of 17 qlyphosate? 18 It would be duplicative, because the EPA Α 19 was, at that very point in time, in the midst of 20 its risk assessment work on glyphosate. And that 21 was work that had been underway, again, as we've 22 discussed, since 2009. The EPA had worked its way 23 through all of that literature, so this would be a 24 duplicative process beginning, while EPA's work 25 was still underway.

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1	Q But why what would Monsanto lose by
2	having the ATSDR also look at the potential
3	carcinogenicity of glyphosate?
4	MR. PARISER: Objection to form.
5	THE WITNESS: It's not what Monsanto
6	would have to lose. It would be an inefficient
7	use of government resources to have two reviews
8	running in parallel, while the EPA was still
9	conducting its work.
10	BY MR. ESFANDIARY:
11	Q So your testimony to this jury is that
12	the reason Monsanto was apprehensive about ATSDR
13	performing a cancer review on glyphosate was
14	because Monsanto was concerned with saving
15	government resources?
16	MR. PARISER: Objection to form,
17	argumentative.
18	THE WITNESS: No, we have we have a
19	process in place in the United States, through the
20	EPA, to conduct regulatory oversight of pesticide
21	products. The EPA was doing just that. A second
22	review by the ATSDR in the midst of EPA's work
23	would be duplicative.
24	BY MR. ESFANDIARY:
25	Q What's wrong with that?

1	MR. PARISER: Objection, argumentative.
2	THE WITNESS: In my in my view, we
3	want government to operate as efficiently as
4	possible. And when you have an agency that has
5	the competence and the expertise to conduct a
6	review, you should let it do its work.
7	BY MR. ESFANDIARY:
8	Q If you have multiple agencies that have
9	the competence to conduct the review, wouldn't you
10	want them to do it, to ensure the product truly is
11	not carcinogenic?
12	MR. PARISER: Objection, lack of
13	foundation, argumentative.
14	THE WITNESS: No, I I think when you
15	have an agency with specialization in regulating a
16	type of product, such as pesticides, that agency
17	should take the lead and do its work within the
18	scope of its remit.
19	BY MR. ESFANDIARY:
20	Q Mr. Murphey, is Monsanto against the
21	notion of too many regulatory agencies reviewing
22	glyphosate potential carcinogenicity?
23	MR. PARISER: Objection to form and
24	foundation.
25	THE WITNESS: No, glyphosate has been

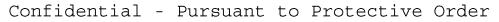
1 reviewed by regulatory agencies in numerous 2 markets around the world. 3 We -- and we believe that the product 4 should be reviewed by the competent regulatory 5 authority for pesticides in those -- in those 6 markets. In the case of the U.S. government, that 7 agency is the EPA. 8 BY MR. ESFANDIARY: 9 Right. But you agree with me that the Q 10 ATSDR is more than competent and able to review 11 glyphosate, correct? 12 MR. PARISER: Objection -- objection, 13 foundation. 14 THE WITNESS: Again, I'm not fully 15 familiar with all of the capabilities within the 16 I -- I don't have that insight. What I ATSDR. 17 understand, based on my discussions and my work in the industry, is that the EPA is uniquely 18 19 qualified and equipped to regulate pesticides. 20 BY MR. ESFANDIARY: 21 And -- okay, well, we'll go to the Q 22 document. Well, did Monsanto try to stop the 23 ATSDR review? 24 MR. PARISER: Objection, form and 25 foundation.

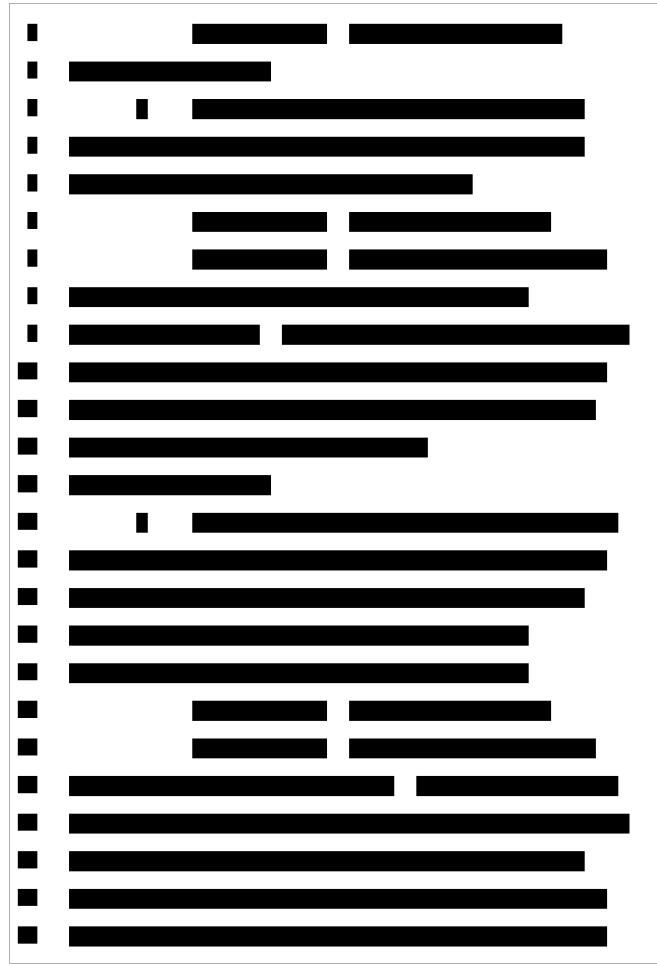
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1	THE WITNESS: My understanding was that
2	once we became aware of the possibility of ATSDR
3	review, we brought that to the attention of the
4	EPA.
5	BY MR. ESFANDIARY:
6	Q My question was, did Monsanto try to
7	stop the ATSDR review?
8	MR. PARISER: Same objections, asked and
9	answered.
10	THE WITNESS: No, I think I think my
11	understanding was, we flagged it for the EPA as
12	something that they might want to look into,
13	again, because their review process was underway,
14	and now there was the possibility of a second
15	agency coming in, we thought that might be
16	something the EPA would want to look into.
17	BY MR. ESFANDIARY:
18	Q Did you flag it to the EPA in the hope
19	that the EPA would ask the ATSDR to not go ahead
20	with its review?
21	MR. PARISER: Same objections.
22	THE WITNESS: Again, I think my
23	understanding was we wanted the EPA to look into
24	what was happening. And then it would be the
25	EPA's decision to do whatever it saw fit. But we

Confidential - Pursuant to Protective Order did not see the need for a duplicative review, 1 2 separate from the work that EPA was doing. 3 BY MR. ESFANDIARY: 4 Ο So Monsanto's wish was for the ATSDR 5 review to not proceed, correct? 6 MR. PARISER: Objection to form, 7 foundation, and asked and answered. 8 THE WITNESS: Our wish -- no, our wish 9 was for the EPA to conduct its work, and to 10 publish its preliminary risk assessment. And 11 again, we saw a secondary review by another agency 12 would be duplicative to that process. 13 BY MR. ESFANDIARY: 14 So as you just said, if Monsanto thought 0 15 the process would be duplicative, Monsanto did not 16 want the ATSDR to proceed with its review, 17 correct? 18 Α Correct. 19 MR. PARISER: Objection, asked and 20 answered. 21 THE WITNESS: We wanted the EPA to do 22 its work. The EPA is the regulatory authority on 23 pesticides in the U.S. 24 BY MR. ESFANDIARY: 25 0 So just so the record is clear, Monsanto

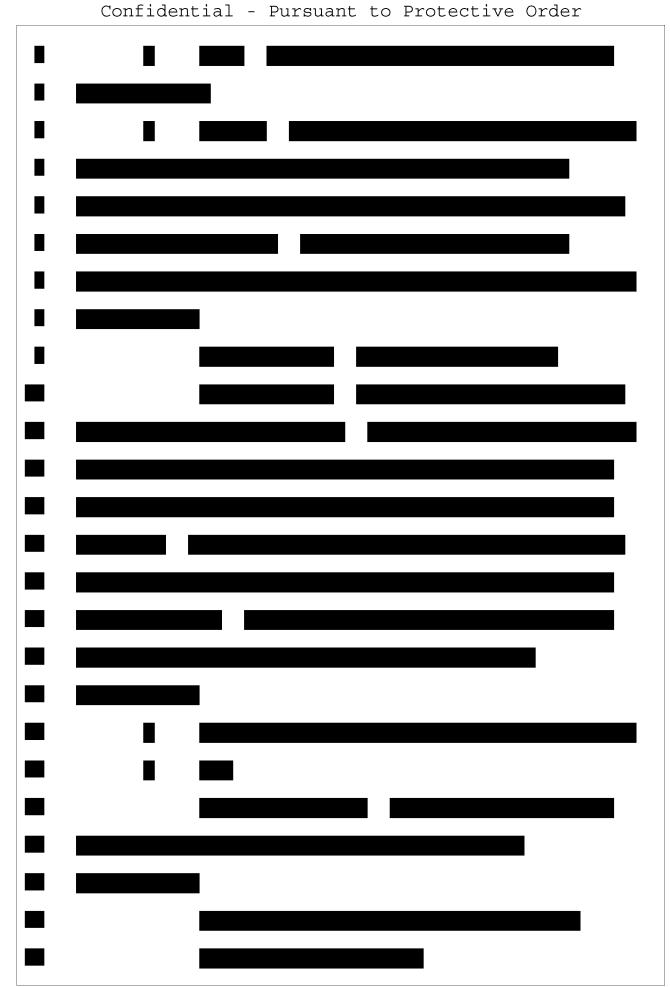
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1	did not want the ATSDR to proceed with its review
2	of glyphosate carcinogenicity, correct?
3	MR. PARISER: Objection, Asked and
4	answered.
5	THE WITNESS: Correct.



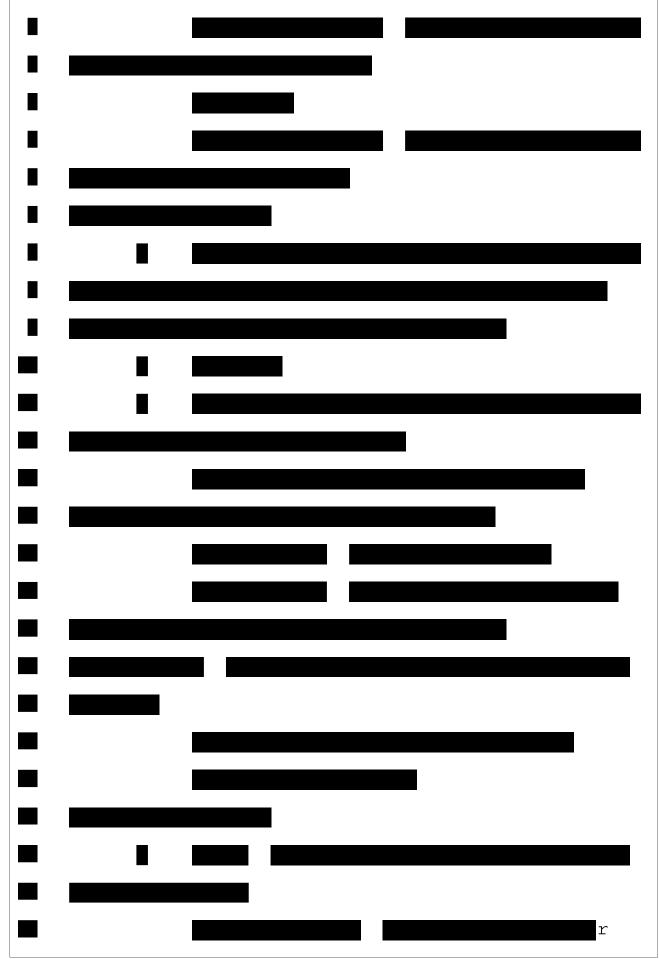


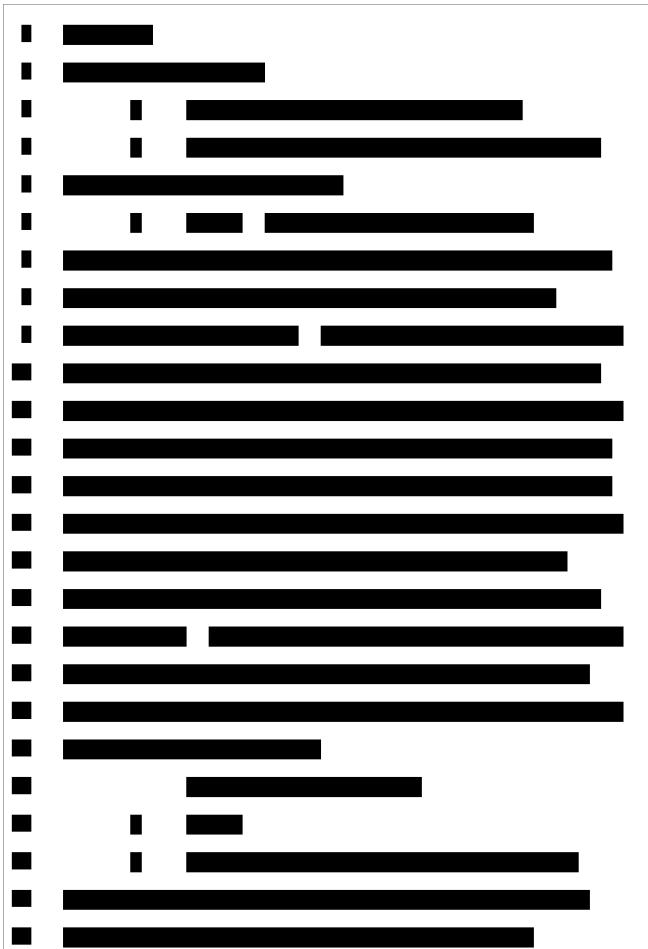
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3 0 And, Mr. Murphey, are you an attorney? 4 Α No. 5 Is Mr. Rands an attorney? 0 6 А Yes. 7 And is -- Melissa Duncan, she's not an 0 8 attorney either, correct? 9 No, Ms. -- Ms. Duncan is a lawyer. Α 10 Okay. Did you have any knowledge about 0 11 Ms. Kelland's request? 12 Α No. 13 Prior to this e-mail, had you been in 0 14 communication with Ms. Kelland? 15 Maybe once or twice, just in -- in Α 16 response to an inquiry, but I -- I don't recall 17 any interaction with her prior to this. 18 Did you ever send Ms. Kelland materials 0 19 to be worked into published articles that were not 20 solicited by her? 21 MR. PARISER: Objection to form. 22 THE WITNESS: Yes, there were occasions 23 where I reached out to Ms. Kelland to discuss --24 to discuss some information and concepts with her. 25 BY MR. ESFANDIARY:

1	Q Do you does Monsanto perceive	
2	Ms. Kelland to be a favorable ally in	
3	communicating about Roundup safety?	
4	MR. PARISER: Objection to form.	
5	THE WITNESS: No, I consider Ms. Kelland	
6	to be a highly professional journalist, with an	
7	extensive background in covering scientific and	
8	medical topics.	
9	BY MR. ESFANDIARY:	
10	Q You previously sent Ms. Kelland	
11	information about the Working Group 112,	
12	specifically a member of Working Group 112,	
13	Dr. Aaron Blair, correct?	
14	A Yes.	
15	Q And that information was then turned	
16	into a Reuters published piece, correct?	
17	MR. PARISER: Objection to form.	
18	THE WITNESS: Yes, I reached out to	
19	Ms. Kelland, and provided some background	
20	information and some documents to her, for her to	
21	review and analyze. And, ultimately, she and her	
22	editors made the decision to run a story.	
23	BY MR. ESFANDIARY:	
24	Q And why did you specifically reach out	
25	to Ms. Kelland?	

1	A I again, having been aware of, you
2	know, this request, and the fact that, you know,
3	she had written about glyphosate, I thought it
4	might be information that would be of interest to
5	her. And I thought that she might have, you know,
6	more context on IARC as an organization than, you
7	know, a reporter who covered something other than
8	science and medical issues.
9	Q When you sent that information to
10	Ms. Kelland to be turned into a story in Reuters,
11	did the final story disclose the fact that the
12	information had come from Monsanto Company?
13	MR. PARISER: Objection to form.
14	THE WITNESS: I no, the story doesn't
15	specifically state that documents were provided by
16	Monsanto, although it certainly did make clear
17	that they were documents relevant to this
18	litigation, and Monsanto was quoted in the story.
19	(Murphey Exhibit No. 36 was marked
20	for identification.)
21	BY MR. ESFANDIARY:
22	Q I'm marking as Exhibit 36, an e-mail
23	from yourself to Ms. Kelland. And it's not just
24	to well, the initial e-mail dated April 27,
25	2017 is to Ms. Kelland from yourself, regarding
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1	your voicemail. And it's MONGLY07575511. And
2	then you forward that e-mail to Mr. Rands.
3	And in the e-mail to Ms. Kelland, you
4	say, "I am passing along a background summary
5	deck; the deposition testimony of the IARC Chair,
6	Aaron Blair, and a number of additional documents
7	will follow. We are sending these exclusively to
8	you for your review."
9	A Yes.
10	Q You didn't send this information to
11	anyone else?
12	A No. At this point in time, I was
13	sharing it with with Ms. Kelland.
14	Q You say, "Please treat the summary deck
15	as background information, but the quotes from our
16	VP of strategy, Scott Partridge, is on the
17	record." Why did you want Ms. Kelland to treat
18	the materials you had sent her about Dr. Blair and
19	IARC as background information?
20	MR. PARISER: Objection to form.
21	THE WITNESS: I was sending Ms. Kelland
22	a number of documents, including the deposition,
23	which was several hundred pages long. And so I
24	had pulled together the background information and
25	the summary deck to help point her to some

Confidential - Pursuant to Protective Order 1 specific citations within those underlying 2 documents. 3 BY MR. ESFANDIARY: 4 0 Well, what I'm struggling to understand, 5 Mr. Murphey, is, you send these -- you send 6 Dr. Blair's deposition to Ms. Kelland, correct? 7 Α Yes. 8 0 Right? And you also say in your e-mail, 9 "The deposition and other documents clearly show 10 that Dr. Blair concealed information from the IARC 11 working group that showed no link between 12 glyphosate and cancer, " correct? 13 That's correct. Α 14 And then I went to Ms. Kelland's 0 15 article, and I couldn't find a single quote, 16 direct quote from the deposition testimony of 17 Dr. Blair. Do you know why? 18 I don't recall whether there are А 19 specific quotes from the deposition testimony or 20 not. 21 But see, why I'm confused is, you're Q 22 saying that the -- if the deposition clearly shows that Dr. Blair concealed information from the IARC 23 24 working group, why would Ms. Kelland not guote 25 that in the article?

1 MR. PARISER: Objection, lack of 2 foundation. 3 THE WITNESS: I think Ms. Kelland's 4 article makes clear that at the point in time that 5 Dr. Blair was Chair of the IARC working group, he 6 had in his possession updated Agricultural Health 7 Study data, and that data was not shared with the 8 IARC working group. 9 BY MR. ESFANDIARY: 10 Mr. Murphey, nowhere in Ms. Kelland's 0 11 article does she quote Dr. Blair -- any portion of 12 Dr. Blair's testimony purporting to show that he hid information from IARC. Do you agree with me 13 14 on that, sir? 15 MR. PARISER: Objection. 16 BY MR. ESFANDIARY: 17 I can show you the article, if you'd 0 18 like -- if you'd like. 19 I would -- I would need to read the Α 20 article again to familiarize myself with that. 21 Q Absolutely. 22 But I will say, the article makes very Α 23 clear that the draft manuscripts existed, and that 24 they had not been published, nor were they shared 25 with the working group, prior to the meeting.

1 (Murphey Exhibit No. 37 was marked 2 for identification.) 3 BY MR. ESFANDIARY: 4 Ο I'm marking as Exhibit No. 37 to your 5 deposition there, sir, there's -- the report, or 6 rather the article by Ms. Kelland published in 7 Reuters on June 17th, 2017, sir. And that is just 8 around three or four months after you sent the 9 background materials to Ms. Kelland, correct? 10 That would be just over -- just under Α 11 two months. 12 0 Two months, yes. And this article --13 you've read it before, correct, sir? 14 Α Yes. 15 Okay. Can you show the jury exactly 0 16 where in here, Ms. Kelland quotes Dr. Blair, where 17 he says that he withheld information from the IARC 18 working group? 19 Α So I see multiple references here in the 20 article to the fact that the data weren't 21 published, multiple justifications were -- were 22 given, and that the -- there's acknowledgement 23 that the data were not available to the committee itself. 24 25 Q In Ms. Kelland's words, correct, sir?

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1	A Correct.
2	Q So nowhere in that article is there a
3	quote from the deposition of Dr. Blair, indicating
4	that Dr. Blair misled anyone on IARC, correct,
5	sir?
6	MR. PARISER: Objection to form.
7	THE WITNESS: No, the the article
8	reflects the fact that the data existed, that
9	the that the data had been reviewed. There is
10	discussion from individuals involved in the
11	Agricultural Health Study that it would be
12	irresponsible if they didn't seek publication of
13	the manuscript prior to IARC's decision, but I
14	don't see a direct quote from the deposition.
15	BY MR. ESFANDIARY:
16	Q Right. And when you say the
17	deposition when you write to Ms. Kelland
18	saying, "The deposition and other documents
19	clearly show that Dr. Blair concealed
20	information," and at the same time, you're
21	asking her to "please treat the summary deck as
22	background information," can you please explain
23	why you decided to ask Ms. Kelland to treat the
24	background deck as the summary deck as
25	background information and not quote from it?

MR. PARISER: Objection to form.
THE WITNESS: Again, the the
background the summary deck itself was designed
to help Ms. Kelland work her way through the
documents. As a journalist, I knew she was going
to take her time and read and review everything on
her own, but I wanted to flag for her key key
facts and key quotes from the documents.
To give an example, you know, I cite a
quote from page 178 of the deposition, you know,
where Dr. Blair was asked, "And did you alert any
of your fellow working group members, or any other
members of the subgroup on epidemiology at IARC
about the fact that this much larger AHS cohort
study, with a larger follow a larger time of
follow-up and higher levels of exposure had been
conducted?
"Answer: No."
So I was pointing her to those types of
references throughout the documents, so that she
could review them, and decide whether those were
individual quotes that she wanted to include.
BY MR. ESFANDIARY:
Q And you didn't point her to the parts
where Dr. Blair explains the reasons for why the

1 AHS results had not been published by the time of 2 the monograph, correct, sir? 3 Α Ms. Kelland talks about multiple reasons in the story. That they made the decision to 4 5 publish some other pieces of data, but felt that 6 the section on glyphosate wouldn't fit. Ι 7 don't -- I don't understand those decisions, but 8 that type of explanation is included in her story. 9 Okay. But ultimately, you don't Q 10 understand the decisions for why the preliminary 11 results were not published, correct, sir? 12 Α No, I -- I think an explanation, such as 13 is given in here, that -- you know, that there 14 were space constraints, or that it was too much data for one publication, I -- that doesn't make 15 16 sense to me. 17 Mr. Murphey, what's the name of the 0 18 publication, the preliminary AHS publication? 19 Α I would have to go back and review 20 the -- the title of the draft. 21 Okay. When was the initial draft put Q 22 together, sir? 23 Α My recollection was that the draft that Dr. Blair had in his possession was from 2013. 24 25 Q Are you aware that it was incomplete?

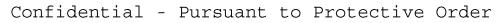
1	A No. My it was it was a
2	publication that was well well in the process
3	of development. We're now talking about an IARC
4	meeting that occurred two years after that data
5	was collected in manuscript form.
6	Q So you don't know and you testified
7	earlier that you don't know anything about the
8	process leading up to the publication, but at the
9	same time, you're comfortable testifying that
10	Dr. Blair misled the IARC working group on the
11	data?
12	MR. PARISER: Objection to form.
13	THE WITNESS: I think there's
14	significant questions that needed to be answered
15	here. You know, why why weren't the data
16	published in advance of the working group meeting?
17	If Dr. Blair was aware of the larger data set that
18	existed, why wasn't the IARC meeting delayed to
19	let that important data be considered?
20	There there were multiple lines of
21	inquiry that we thought were appropriate to bring
22	to a reporter to analyze for herself.
23	BY MR. ESFANDIARY:
24	Q These are questions that you have, but
25	does it show that Dr. Blair clearly misled the

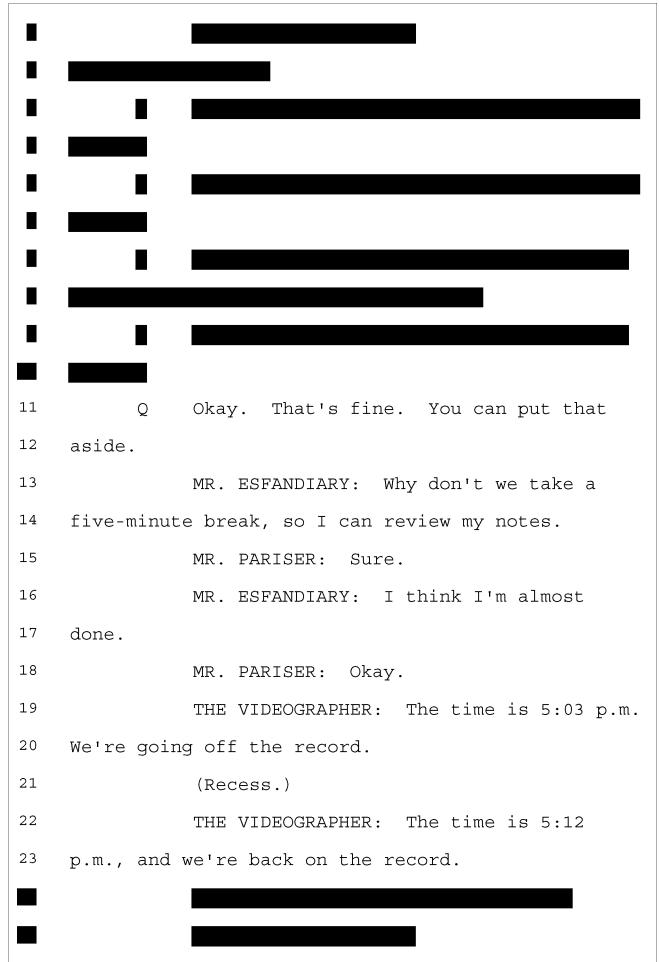
1 IARC working group? 2 Α I think the fact that the data existed, 3 that the data were in Dr. Blair's possession, that 4 the working group was allowed to rely on an older 5 and smaller version of the data, I think that is 6 concealment. 7 Even though the data has not been 0 8 completed yet, correct? 9 MR. PARISER: Objection, asked and 10 answered. 11 THE WITNESS: Well, it has been now. Ιt 12 was -- it was published in the Journal of the 13 National Cancer Institute. 14 BY MR. ESFANDIARY: 15 What year? 0 16 It was late 2017. Α 17 0 How many years after the IARC monograph 18 is that? 19 Α Well, more than two. 20 So the data was finally complete two 0 21 years after the IARC monograph, correct, sir? 22 MR. PARISER: Objection. Objection to 23 form. 24 THE WITNESS: I -- I can't explain why 25 there was -- why there was such a delay. We

Confidential - Pursuant to Protective Order 1 thought it was critically important that that 2 draft manuscript come to light, so that it 3 ultimately could be published. 4 BY MR. ESFANDIARY: 5 Well, at the time when the IARC 0 6 monograph was reviewing glyphosate, the 7 preliminary AHS data was incomplete. Do you 8 understand that, sir? 9 MR. PARISER: Objection to form. 10 THE WITNESS: I -- I can't speak to its 11 completeness, one way or another. But what I know 12 is that there was a -- a relative -- a detailed 13 manuscript that had been prepared. There was 14discussion among members of the AHS about whether 15 it should be published. Again, Ms. Kelland cites 16 e-mail correspondence saying it would be 17 irresponsible not to get this published prior to 18 the IARC meeting. I think there are very 19 legitimate questions about why that didn't occur. 20 BY MR. ESFANDIARY: 21 Legitimate questions, though, are not Q 22 equivalent to clearly misleading the working 23 group, correct, sir? 24 MR. PARISER: Objection, argumentative, 25 asked and answered.

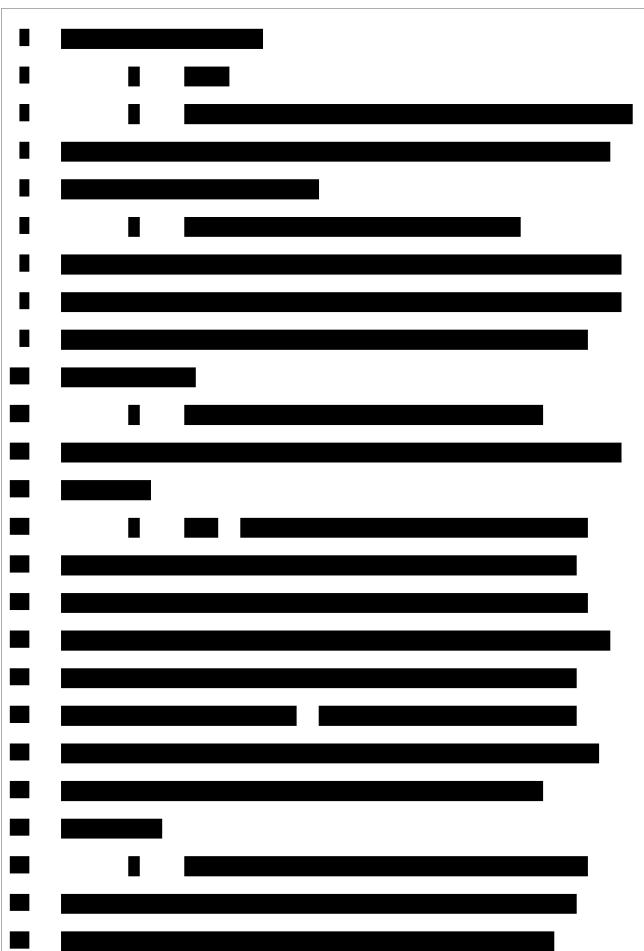
1	THE WITNESS: No. As I have as I
2	have said, I believe that not divulging that
3	information to the working group was concealing
4	and was misleading.
5	BY MR. ESFANDIARY:
6	Q You do realize that IARC only considers
7	complete, fully published, transparent,
8	independent data. Are you aware of that, sir?
9	MR. PARISER: Objection to form.
10	THE WITNESS: I'm aware that that is
11	outlined as a as a guideline for IARC. And
12	again, I think that's why the question raised by
13	Dr. Alavania is so relevant. Get the data
14	published before the IARC meeting.
15	BY MR. ESFANDIARY:
16	Q Right. But you in terms of IARC's
17	protocol, it cannot consider incomplete data. Are
18	you aware of that?
19	A My understanding is, yes, that that
20	IARC relies on relies on published, publicly
21	available data. I think there are significant
22	questions about why a taxpayer-funded study that
23	contained the largest data set looking at
24	glyphosate and cancer had not been published, and
25	why an IARC working group meeting went forward,

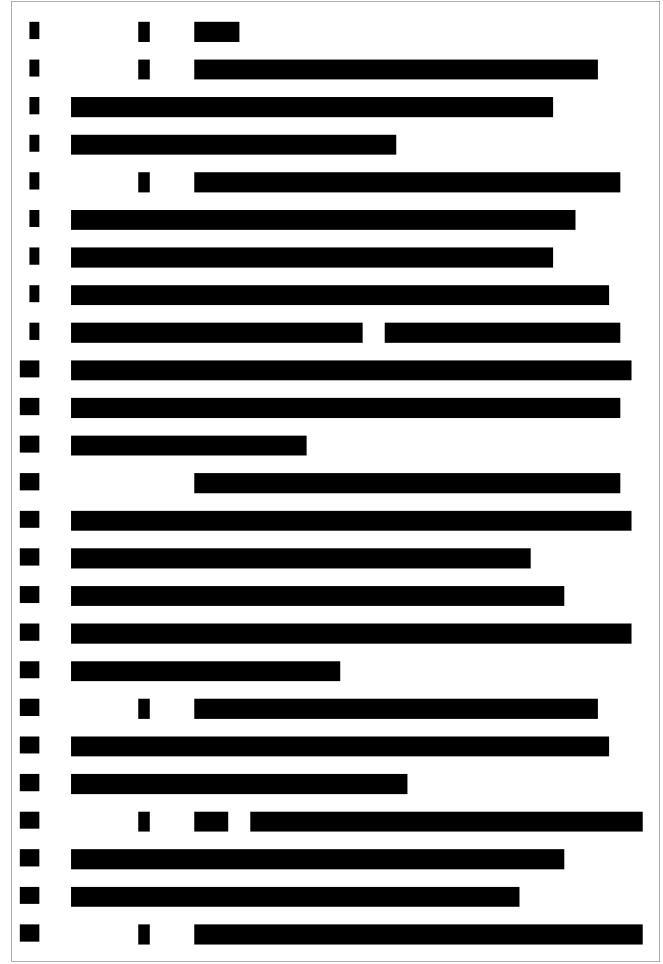
1 when the chair of that working group knew that 2 there was a data set regarding glyphosate, and 3 could have flagged that and said, Look, maybe we 4 should delay our working group meeting to allow 5 that data to be published. 6 0 Is it your testimony to this jury that 7 Dr. Blair is responsible for when and under what 8 circumstances the AHS would be published? 9 No, I -- I can't testify to that either Α 10 I know Dr. Blair was involved in the study. way. 11 I'm not aware of his particular role. 12 Q Mr. Murphey, what is -- and I'm 13 struggling to pronounce this -- Hakluyt? It's 14 H-A-K-L-U-Y-T. 15 I'm not -- could you allow me to see it Α 16 in context? 17 I believe it's an organization. Are you 0 18 familiar with an organization that is called 19 Hakluyt? 20 Α Offhand, I'm -- I'm not sure what 21 organization that is.

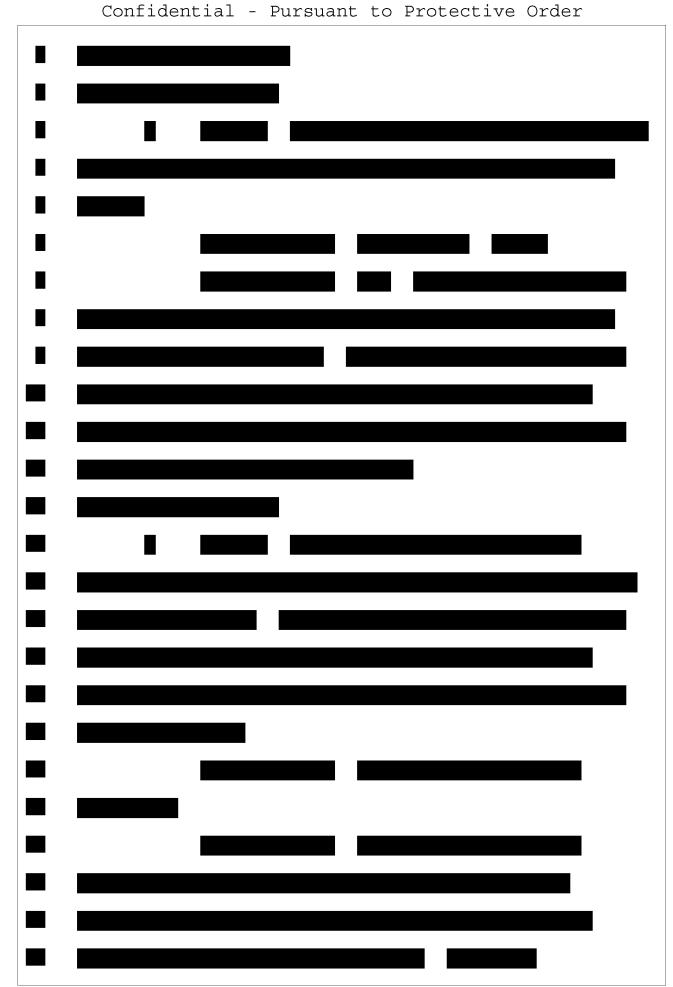




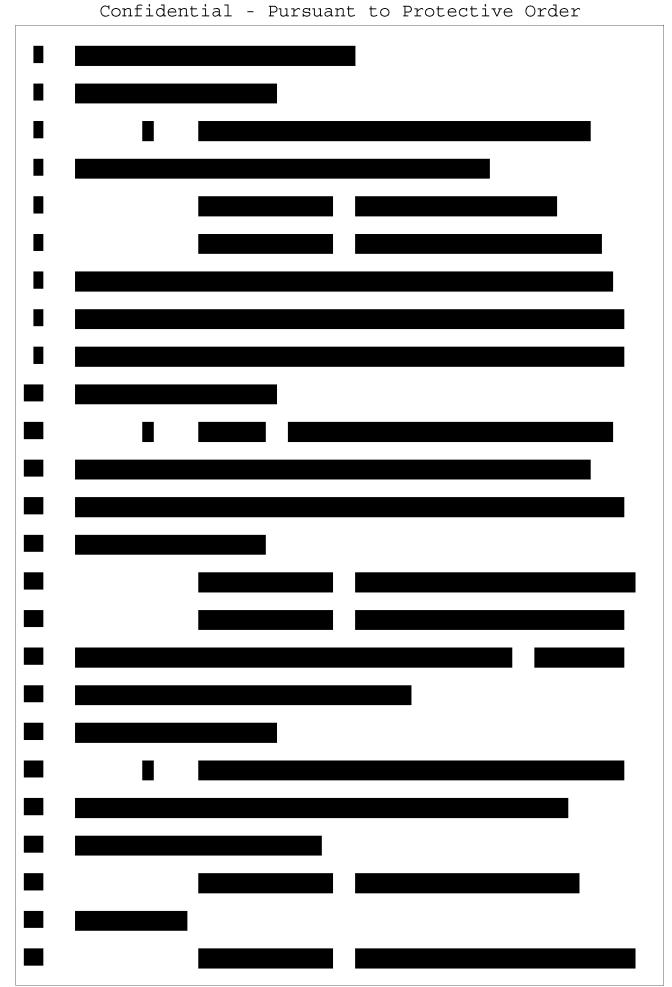
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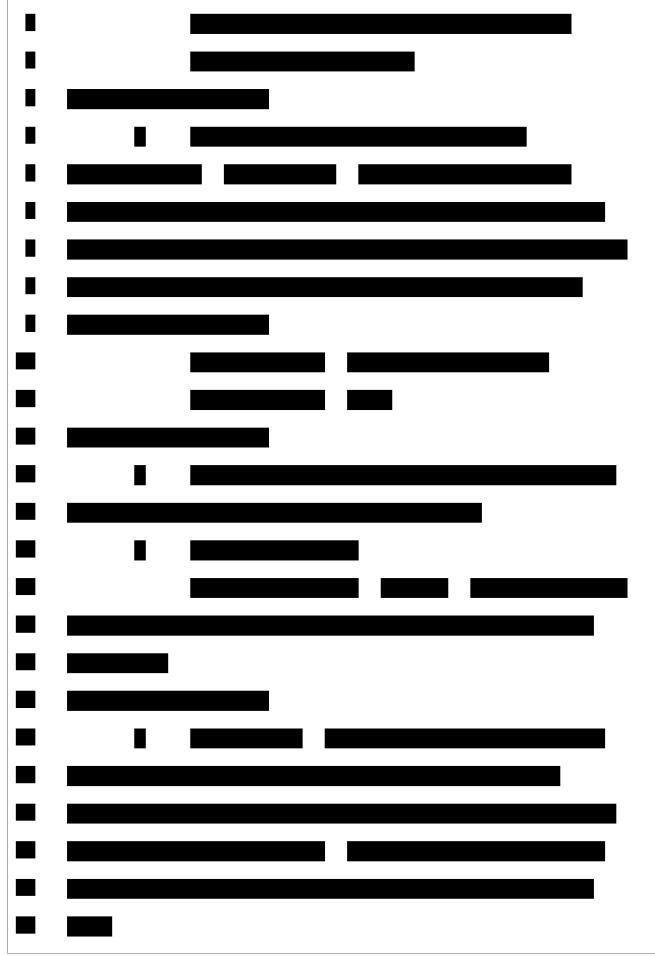


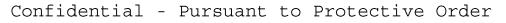
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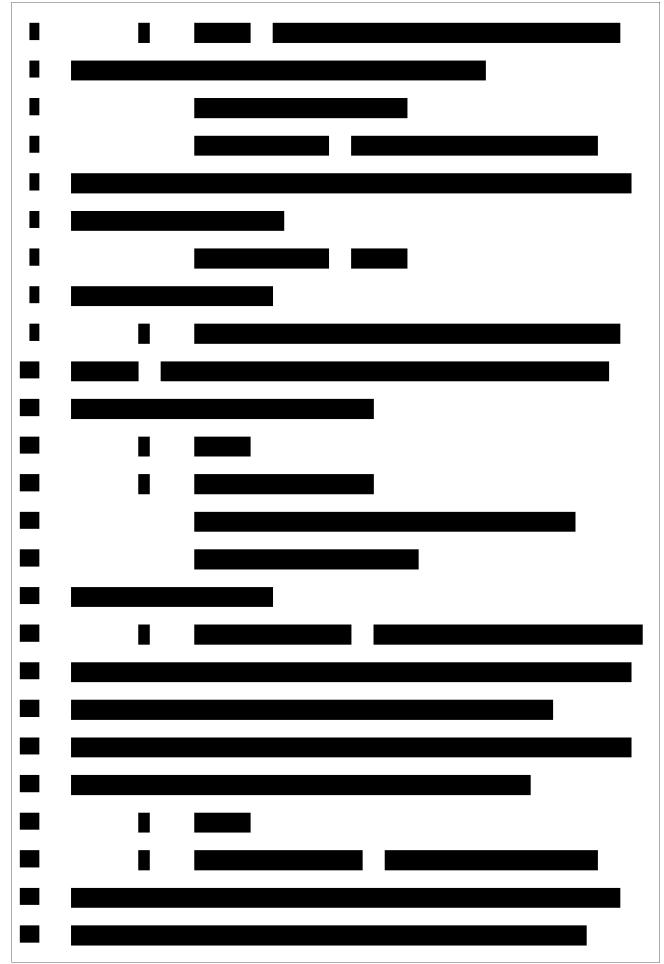
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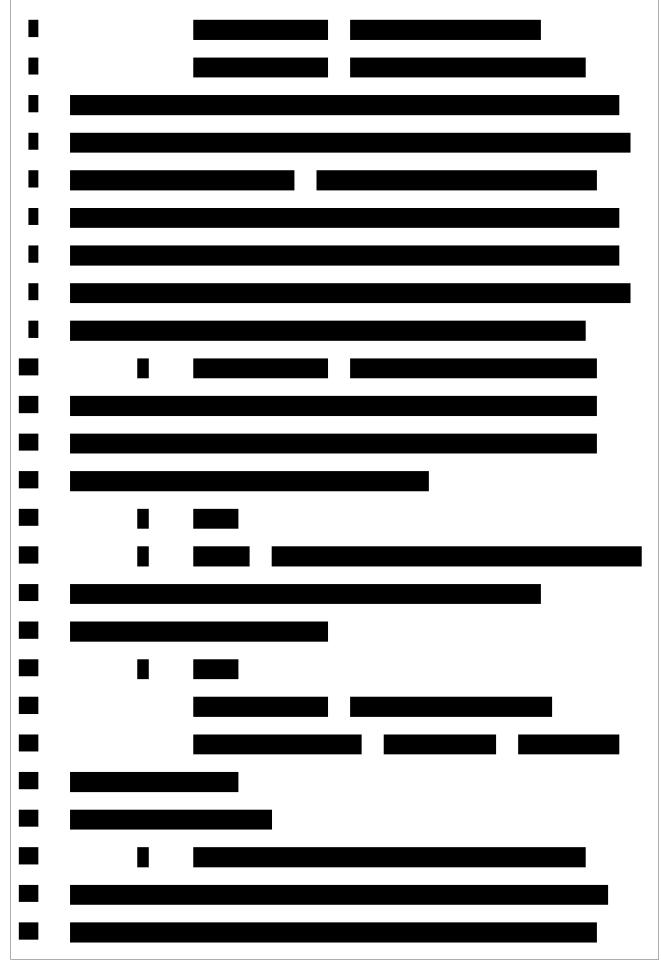
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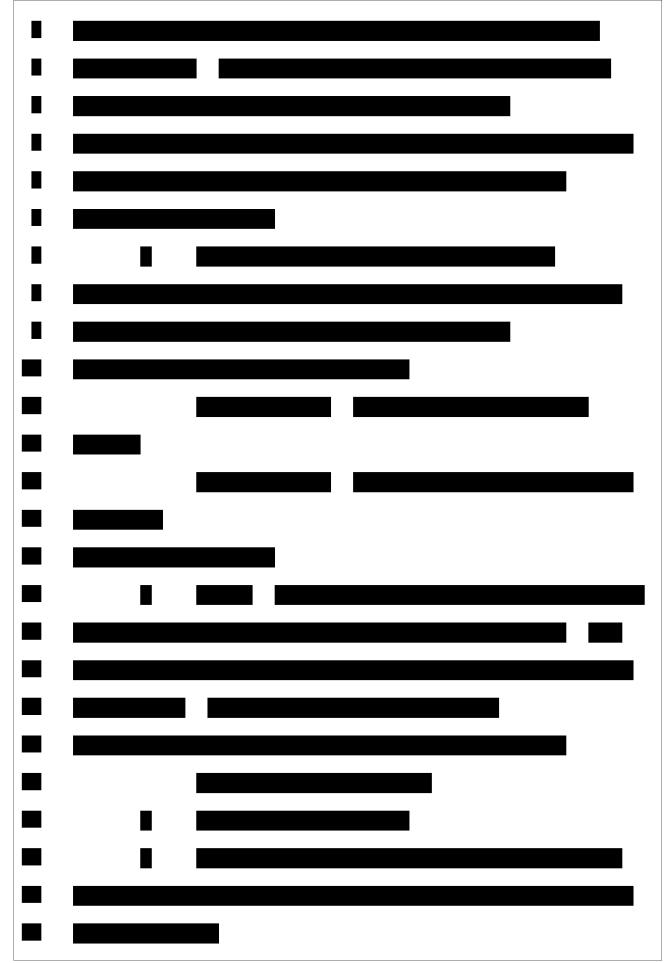


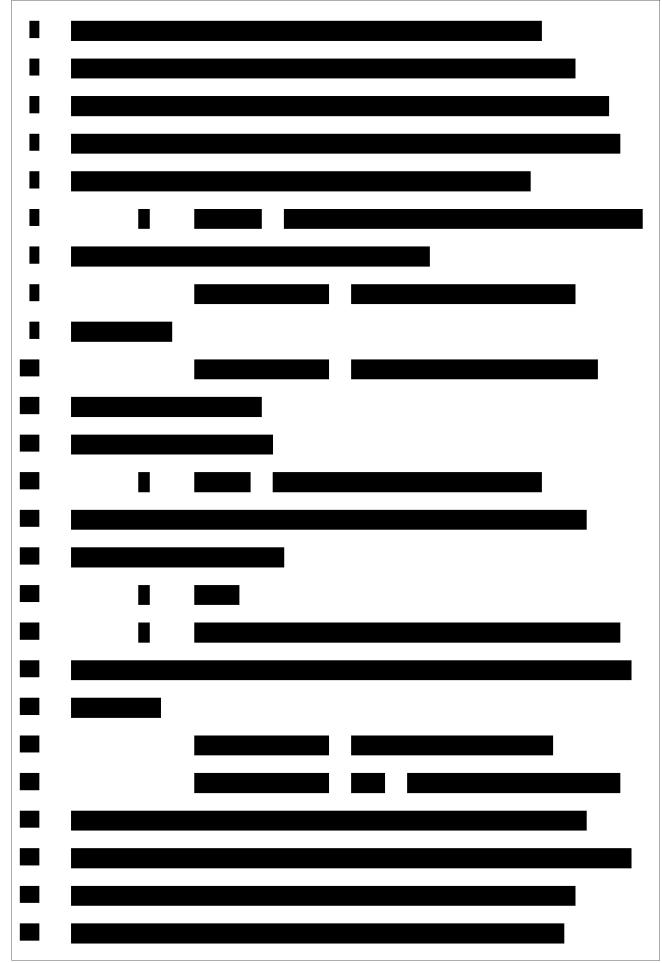




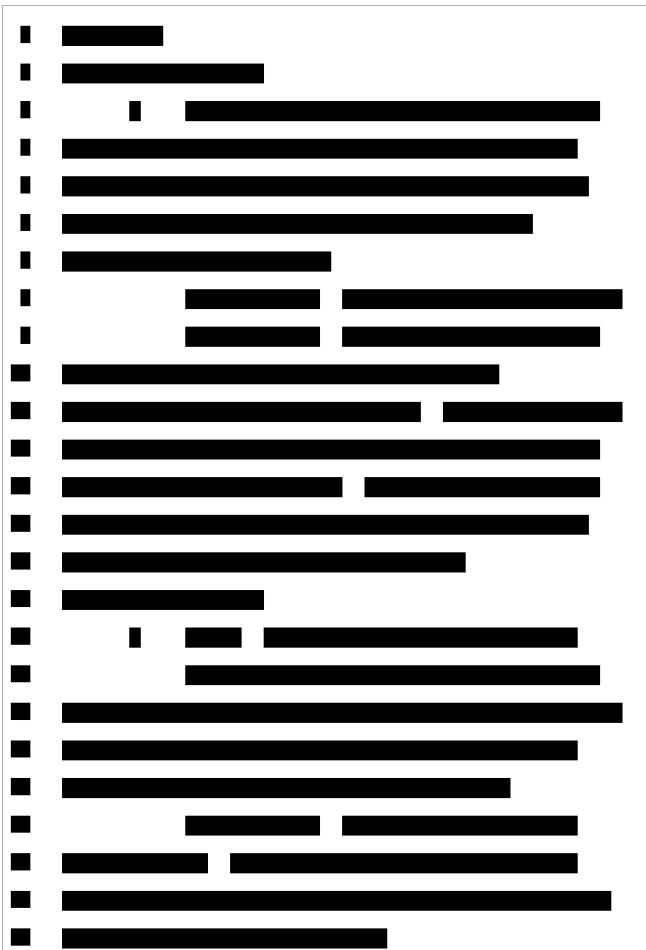
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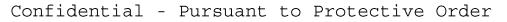


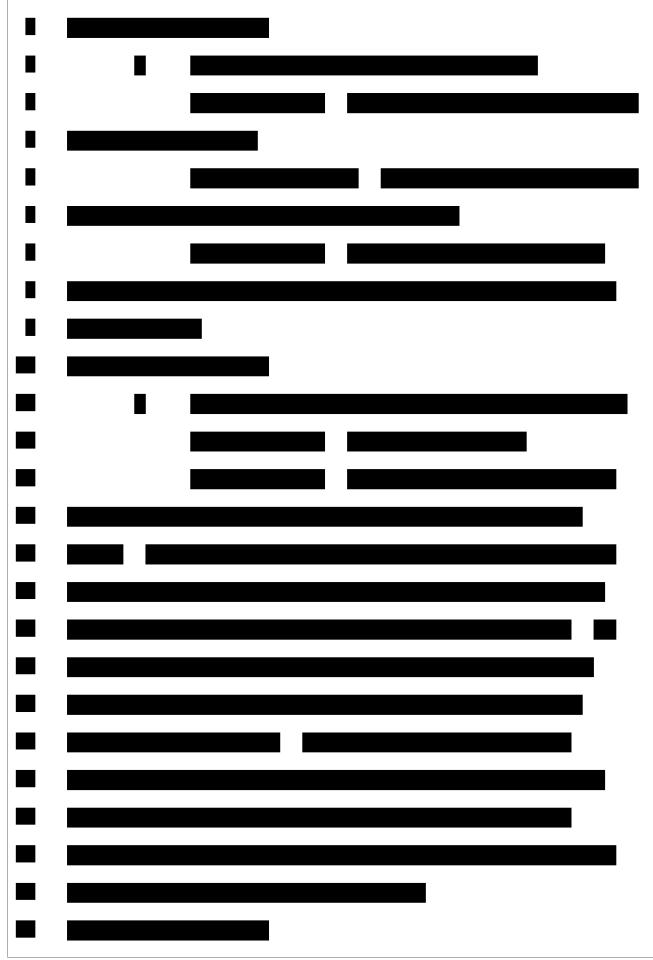




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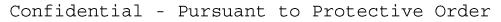


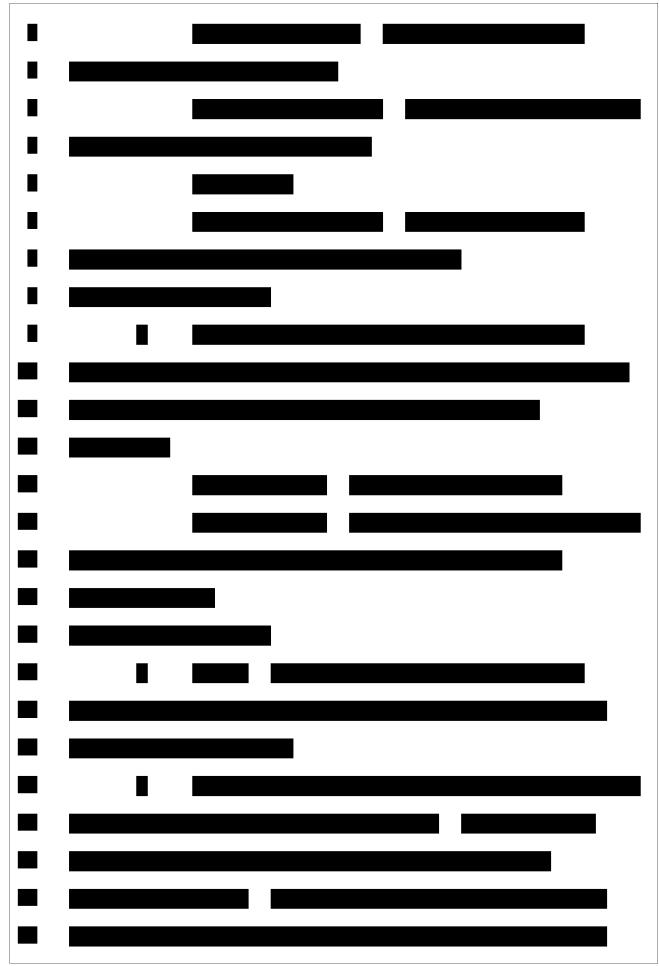


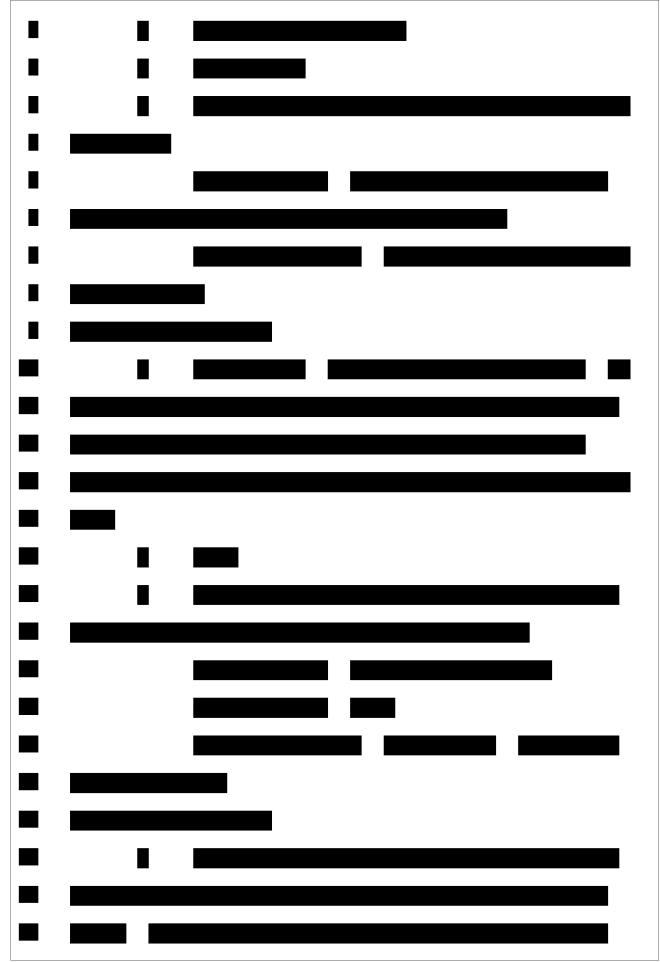


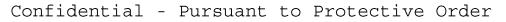
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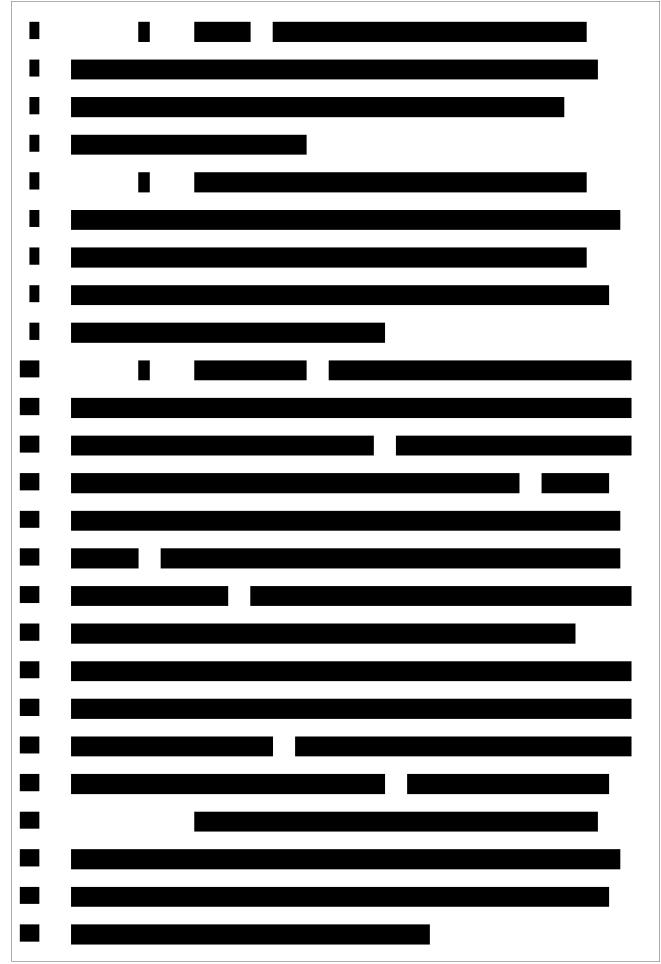
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14	BY MR. ESFANDIARY:
15	Q Are you aware of the recent corrigenda
16	that had been published in the journal which
.7	published the expert reports?
18	A I I am aware that the the authors
9	worked with the editors at the at the journal
20	to update the the disclosures.
21	Q And they needed to update the
22	disclosures because the prior disclosures did not
23	adequately disclose Monsanto's involvement in the
24	drafting of the publications, correct?
25	MR. PARISER: Objection to form and

1 foundation.

2 THE WITNESS: No, my -- my understanding 3 is that while Monsanto's sponsorship of the panel was disclosed from the start, and while the views 4 5 expressed -- the conclusions and the views 6 expressed in the papers are those of the panel 7 members alone, and that has not changed, there was 8 some review of drafts by Monsanto personnel. And 9 that was appropriate to -- it was appropriate to 10 update the disclosures to reflect that. 11 BY MR. ESFANDIARY: 12 How many years after the papers were Q 13 published did that corrigenda occur? 14 MR. PARISER: Objection, lack of 15 foundation. 16 THE WITNESS: I can't recall when --17 when the papers were first published. 18 BY MR. ESFANDIARY: 19 0 Well, I'll represent to you that the 20 papers were first published in 2016, and the 21 corrigenda came out in 2018. 22 That sounds right to me. Α 23 0 Do you know what prompted the 24 corrigenda? 25 Α I believe it was some of the documents

that were disclosed in this -- this litigation.
And after those documents were -- were disclosed,
there were conversations between the authors and
the editors, and the decision was made to update
the disclosures.

Q So it had to take the public release of internal Monsanto documents for Monsanto to get together with the authors and put together a corrigenda to acknowledge that Monsanto did have a larger role than initially represented in the disclosure of interest, correct, sir?

MR. PARISER: Objection to form andfoundation.

14 THE WITNESS: No, I -- my understanding 15 was that the contributions made by Monsanto 16 individuals were non-substantive in their scope. 17 It was appropriate to update the disclosures. And 18 so once those documents were available, again, the 19 authors worked with the editors to update -- to 20 update the disclosures.

21 BY MR. ESFANDIARY:

Q Why didn't Monsanto initially ensure that the disclosures were accurate? Why did it wait two years to do so?

25 MR. PARISER: Objection to form, and

Confidential - Pursuant to Protective Order lack of foundation. 1 2 THE WITNESS: I -- I can't speak to I was not involved in discussions with --3 that. 4 with my technical colleagues, or certainly with 5 the authors themselves about the disclosures. 6 BY MR. ESFANDIARY: 7 So you agree that the original 0 8 disclosures were inadequate, in light of the 9 corrigenda, correct, sir? 10 MR. PARISER: Objection to form and 11 foundation. Again, I -- I was not 12 THE WITNESS: 13 party to those discussions. The decision on 14 the -- the updates was made by the editors of the 15 journal and the authors of the manuscripts. 16 BY MR. ESFANDIARY: 17 Did you talk to Bill Heydens about the 0 18 publications when he was editing -- editing them? 19 Α I know I had a few conversations with 20 Dr. Heydens throughout the process, but I don't 21 recall at what specific point in the process that 22 was. 23 0 Did you --24 MR. PARISER: Belated objection to form. 25 BY MR. ESFANDIARY:

Confidential - Pursuant to Protective Order 1 Did you see any drafts of the expert 0 2 panel manuscript, sir? 3 Α I don't believe so. 4 MR. ESFANDIARY: Okay. I don't have any 5 more questions for you. 6 MR. PARISER: Pass the -- pass the 7 witness? 8 MR. ESFANDIARY: Yes, I'm passing the 9 witness. 10 MR. PARISER: Let's go off the record 11 briefly, please. 12 THE VIDEOGRAPHER: The time is 6:10 p.m. 13 We're going off the record. 14 (Recess.) 15 THE VIDEOGRAPHER: The time is 6:11 16 p.m., and we're back on the record. 17 MR. PARISER: So, Counsel, just so it's 18 clear, I'm going to be asking the witness these 19 questions in his personal capacity, all of the 20 questions. To the extent I am also asking him 21 questions in his capacity as a 30(b)(6) witness, I 22 will specifically so indicate. 23 EXAMINATION BY COUNSEL FOR DEFENDANTS BY MR. PARISER: 24 25 Q Now, Mr. Murphey, can you please tell us

Confidential - Pursuant to Protective Order 1 where you grew up? 2 Α Yes, sir, I grew up in the town of 3 Rolla, Missouri. It's in the south central part 4 of the state. 5 Is it a small town? 0 6 Α It is. It's a relatively small town. 7 15- or 20,000 people. There's a university 8 located there. 9 Q And can you tell us a little bit about 10 your educational background, please? 11 А Yes. I attended the public schools in 12 Rolla, Missouri, graduated from high school there. 13 I then attended Truman State University, in 14Kirksville, Missouri, where I studied 15 communication and journalism. And then I did, 16 briefly, some graduate work at the University of 17 Missouri in Columbia, also in journalism, but I 18 did not finish that degree. 19 Okay. And after you left school, what 0 20 was your work? 21 After I -- after I left school, I went Α 22 to work in Democratic politics, in Missouri. Ι 23 worked for the Missouri Democratic Party. I was involved in some political races there. And I 24 25 ultimately went to work for then Attorney General

Confidential - Pursuant to Protective Order Jay Nixon, a Democrat who was running for governor 1 2 of Missouri at the time. And I ended up working 3 for the attorney general, then governor, for --4 for a number of years. 5 And when did you join Monsanto? 0 6 Α January of 2013. 7 And when did you first start working on 0 8 glyphosate? 9 It was sometime later. It would have А 10 been late spring, early summer of 2015. Can you just describe, generally, what 11 Q 12 your public affairs work on glyphosate was? What 13 did it consist of? 14 Yes, my team and I largely focused on Α 15 public communications around -- around glyphosate, 16 and other products in our herbicide portfolio. We 17 were involved in crafting communication pieces, engaging with reporters, engaging with 18 19 stakeholders, and helping them understand the 20 safety and the benefits of our products. 21 And why, Mr. Murphey, did you decide to Q 22 work at Monsanto? 23 Α I came to work at Monsanto because I 24 wanted to stay in the -- in the Midwest at the 25 time. My family continues to be in the -- in

of my work in state government. They were a company that worked on topics that I thought were interesting and important. I also knew they were highly regarded as a as an active member of the civic community, and I thought it would be a a	1	Rolla. And I knew I knew of Monsanto because
4 interesting and important. I also knew they were 5 highly regarded as a as an active member of the	2	of my work in state government. They were a
5 highly regarded as a as an active member of the	3	company that worked on topics that I thought were
	4	interesting and important. I also knew they were
6 civic community, and I thought it would be a a	5	highly regarded as a as an active member of the
	6	civic community, and I thought it would be a a
7 very rewarding place to work.	7	very rewarding place to work.

Q Now, am I correct, Mr. Murphey, that
 9 you're not a scientist?

10 A That's correct.

11 Q But in connection with your -- your work 12 on glyphosate, have you interacted with 13 scientists?

A Yes, I have frequently.

Q And do you rely on those scientists to Provide information to you about the safety and benefits of the products, so you can communicate about it?

19 A Yes, I do.

14

Q And have you formed your own view of the
safety of Roundup, based on those discussions?
A I have.
Q What is that view?
A Based on the conversations that I've had

<sup>25</sup> with a number of Monsanto scientists about the

data, I am very confident that glyphosate, and glyphosate-based products, are safe for use. I'm also confident that they are not carcinogenic. But I also believe very much that these are products that are extremely valuable for our farmer customers and other users around the world.

Q Why do you believe that Roundup is so
9 valuable?

10 A To give you just one example, I'd point 11 back to some of the conversation we were having 12 earlier -- earlier today, around "no till," or 13 conservation tillage farming, a practice when 14 farmers are able to plant a crop, harvest it, 15 apply glyphosate over the field, once they have --16 once they have harvested, to clean that field.

17 They can do the same in the spring to 18 remove a cover crop. And they are able to do that 19 without turning the soil, without driving a 20 tractor or plow over that field multiple times. 21 That reduces diesel emissions. That helps farmers 22 improve their soil health. It helps them sequester carbon in the soil. And it's just --23 24 it's very beneficial for sustainable agriculture. 25 0 And do you think it's important for

Confidential - Pursuant to Protective Order 1 Monsanto to share with the media and the public 2 its view of the safety and benefits of Roundup? 3 Α Yes, I do. 4 Q Why is that? 5 Α I think, unfortunately, Monsanto, for 6 some people, was a name that was laden with a lot 7 of emotion. And in media stories about our 8 company and our products, that that emotion often 9 led to inaccurate information being contained in 10 the stories, misinformation that we needed to 11 correct. And so I think one of my team's 12 important responsibilities was to reach out to 13 reporters to try to build relationships, so that 14 we could provide accurate information in those 15 stories going forward. 16 The next questions that I'm going to ask 0 you are both in your personal capacity and in your 17 18 capacity as a 30(b)(6) witness, for the record. 19 MR. ESFANDIARY: I'm just going to 20 object. So you're going to indicate which portion 21 of your line of testimony is going to be in his 22 individual capacity, and in his capacity as a 23 representative of Monsanto, because I have no way 24 of knowing. 25 MR. PARISER: That's what I've just

said. 1 2 MR. ESFANDIARY: So you're going to --3 MR. PARISER: Everything that just 4 preceded this was in his individual capacity. The 5 following questions are going to be in both 6 capacities. And then I will indicate when he's 7 shifting back to his individual capacity. 8 MR. ESFANDIARY: But if the following 9 questions are going to be in both capacities, how 10 am I supposed to know which question is relating 11 to what capacity? 12 MR. PARISER: They're both -- both 13 capacities. 14 MR. ESFANDIARY: Okay. So each question 15 is relating to both his individual knowledge 16 and --17 MR. PARISER: Correct. 18 MR. ESFANDIARY: Okay, gotcha. 19 BY MR. PARISER: 20 Mr. Murphey, in public statements that 0 21 you were involved in making, was it the company's 22 position that IARC's decision was wrong? 23 Α Yes. 24 And what reasons, among others, have the 0 25 company given to support its position about why

1 IARC's decision was wrong?

2 Α Again, my understanding, based on 3 conversations with our scientists, is that there 4 were multiple deficiencies in the -- in the IARC 5 opinion, you know, such as the fact that the IARC 6 opinion excluded important data, some of the 7 animal studies and other information. That it, 8 again, looked at incomplete information. And 9 also, as we discussed earlier, the largest and 10 most robust epidemiology data set from the U.S. 11 Agricultural Health Study was not available to the 12 panel members.

MR. ESFANDIARY: I'm just going to insert a belated objection, with respect to this questioning being both in his individual and representative capacity. Are you willing to stipulate on the record that whatever answers he is giving here in response to your questions also binds the company?

20 MR. PARISER: This is -- these questions 21 are asking him for opinions that are in his 22 capacity as a 30(b)(6) witness. So if he answers 23 within the scope of the questions, that would be 24 true.

25 MR. ESFANDIARY: So -- but at the same

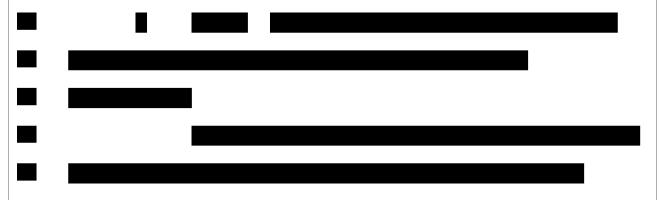
1	time, you're able to ask him questions that you
2	could argue are not binding on the company,
3	because you have designated this portion as both
4	individual capacity and 30(b)(6) capacity?
5	MR. PARISER: No, all all I'm saying
6	is, I don't want you to be able to say, for
7	example, I'm not going to play the 30(b)(6)
8	deposition after all. And then suddenly these
9	questions don't count anymore. That's all I'm
10	getting at.
11	MR. ESFANDIARY: All right. Well, I'm
12	just going to have a running objection to it, but
13	go ahead.
14	MR. PARISER: Okay.
15	BY MR. PARISER:
16	Q Were additional reasons the company has
17	given to support its position to the media about
18	why IARC decision's was mistaken was that it
19	conflicted with the decision of regulatory bodies
20	around the world, including the EPA?
21	A Yes, that's a point we we made
22	frequently, was that the IARC the IARC opinion
23	is an outlier from the opinions of the USEPA,
24	regulators in Europe and Canada, and elsewhere

1 And were the statements you just 0 2 discussed that were made to the media about IARC 3 consistent with the views expressed to you by 4 scientists in the company? 5 Α Yes. 6 0 And in your view, was there anything 7 wrong or inappropriate in the company publicizing 8 its view about IARC? 9 No, I think we had important --Α 10 important questions to ask, and legitimate 11 concerns about the IARC opinion, what an outlier 12 it was from agencies around the world. And I 13 think it was both important and appropriate that 14we raised those concerns publicly. 15 Now, you were asked about something 0 16 called Let Nothing Go. Do you remember that 17 questioning? 18 I do. А 19 Q Just briefly, what was the Let Nothing 20 Go campaign or initiative? 21 So the Let Nothing Go program or effort Α 22 was an initiative in the European Union, in 23 certain markets there, where we had a limited 24 public affairs team in place. And the Let Nothing 25 Go effort was -- was designed to do media

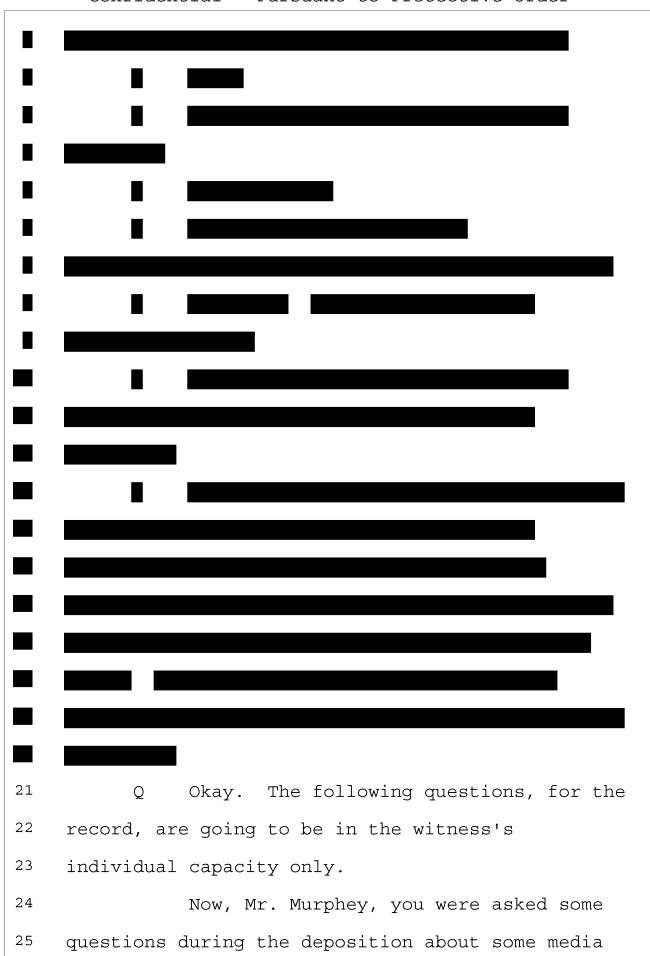
1 monitoring in certain markets in the European
2 Union, to identify stories that were incomplete or
3 contained inaccurate or misleading information
4 about the company, or its products.

5 And then to review those articles, and 6 then to have someone, either from Monsanto or from 7 our public affairs agency, reach out to those 8 reporters, provide a statement or a clarification, 9 or other resources, and to invite those reporters 10 to reach out to the company in the future.

11 0 And was the Let Nothing Go campaign or 12 initiative intended to smear or attack people or 13 groups who had different groups than the company? 14 As I described, the purpose of the Α No. 15 Let Nothing Go effort was to engage with 16 reporters, to provide context. And -- and our 17 hope was that, over time, it would move the 18 balance of coverage in Europe in a better 19 direction. It would help -- help that coverage be 20 more accurate.



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#### Confidential - Pursuant to Protective Order 1 efforts in Europe. Do you remember those 2 questions? 3 Α Yes. 4 Ο I believe you explained that in Europe, 5 there was a -- sort of a two-step process with 6 regard to renewal of glyphosate. Can you explain 7 that, please? 8 Yes, the process in the European Union Α 9 for the renewal of any pesticide product, 10 glyphosate is just one example, has -- has 11 multiple phases. There's -- first, the -- the 12 scientific work that has to be done by a 13 Rapporteur member state. So in the case of 14glyphosate, that was Germany, and the BfR, the 15 Germany Federal Institute for Risk Assessment. 16 And then that is reviewed by the European Food 17 Safety Authority. So that -- that is the 18 scientific phase of the evaluation of the product. 19 Once that is complete, there's a second 20 phase, where representatives of the member states 21 of the European Union come together in a standing 22 committee, and they vote to actually reauthorize 23 the active ingredient. 24 And to your knowledge, what have the Q 25 regulators, the scientific bodies in Europe, said

1 about the safety of glyphosate?

A My understanding is that the -- whether it's the Germany BfR, or the European Food Safety Authority, or subsequently, the European Chemicals Agency, which also conducted a review, have all found that glyphosate is -- is safe for use, and not carcinogenic.

8 Q And is it fair to say that, in your 9 view, that was a decision or decisions that were 10 based on the science, as opposed to public affairs 11 work?

A That's correct. My -- my understanding is that those agencies are -- they're scientific bodies with -- with experts who are capable of -and charged with reviewing the robust regulatory studies that are submitted to them.

Q All right. And then there was a political process you testified, which followed that scientific review; is that right?

20 A That's correct.

Q And is there anything wrong, in your view, with Monsanto participating in that public political process?

A No. And, in fact, I think it was important that we -- that we did so. There --

1 there was a significant amount of media attention 2 to the glyphosate renewal -- renewal process. 3 There -- there -- again, there were groups that 4 were, you know, purposefully trying to influence 5 the media, and influence negative stories about 6 the product. And so it was important, we thought, 7 to reach out, to engage with reporters, and to try 8 to ensure that coverage about glyphosate was 9 balanced.

10QNow, there was some questioning during11the course of the deposition involving documents12that used a term "FTO," or freedom to operate.13Do you remember that word coming up?14AI do.

Q Are you aware of Monsanto having a single definition of the term or word "FTO," or freedom to operate?

A No, I think freedom to operate is a -is a term that probably has varied meanings from individual to individual, and based on the context of a particular discussion.

Q What does FTO, or freedom to operate, mean to you? A In my understanding, freedom to operate for our company, and we are a company in a -- in a

1	regulated industry, freedom to operate, to me,
2	means that we can invent and conduct regulatory
3	studies, seek regulatory approval for our
4	products, ensure that regulators are able to
5	assess the safety of those products, and allow
6	them to be placed onto the market, and then for us
7	to sell those products to our customers, and to
8	ensure that those products are used correctly
9	throughout their life cycle.
10	Q Now, you were asked some questions about
11	why Monsanto did not perform a two-year cancer
12	study in rats of its formulated product.
13	Do you remember those questions?
14	A I do.
15	Q And would you defer to Monsanto's
16	scientists and others to answer that sort of
17	question?
18	A I would have to, yes.
19	Q Are you aware, generally, however, of a
20	study called the AHS, or Agricultural Health
21	Study?
22	A I am.
23	Q What, in general, is that study?
24	A So my understanding of the U.S.
25	Agricultural Health Study is that it is a very

1 large-scale epidemiology study that looked into 2 the real world use of pesticide products by pesticide applicators in the U.S., and looked for 3 4 connections between pesticide use and specific 5 health conditions. 6 0 And so to your knowledge, was that a 7 study of exposure to the formulated product and 8 people in the real world? Yes, that would be a study that looked 9 Α 10 at the real world use of -- of formulated 11 products. 12 0 Now, do you recall some testimony 13 earlier about Monsanto engaging with third parties 14 as part of its media efforts? 15 Α Yes. 16 Can you -- can you just explain what Q 17 that means in the public affairs world, engaging 18 with third parties? 19 Α So a third party or a stakeholder, in 20 general, is someone who, you know, has a -- is --21 is relevant to the company. So that could be a 22 customer group, it could be, in our case, a grower 23 group, or a commodity organization. You know, 24 people who have -- have an interest in the company 25 and its products, and the value that those

1 products provide to those -- to those individuals. 2 And so it's fairly common practice for 3 us to engage with those groups, to provide 4 information to them, and in certain circumstances, 5 to partner with them and work together, when there 6 are matters of shared interest. 7 And do you feel that there's anything 0 8 wrong or inappropriate about doing that? 9 No, I don't. Α 10 Now, you were asked some questions about 0 11 a Reuters article written by a reporter named Kate 12 Kelland. Do you recall those questions? 13 I do. Α 14 And the article in guestion involved the 0 15 AHS study we were just talking about; is that 16 right? 17 It did. Α 18 Okay. And can you just, in general, 0 19 describe what Ms. Kelland's story was about? 20 So the story by -- by Ms. Kelland Α Yes. 21 looked into the fact that the Chair of the IARC 22 working group, Dr. Blair, who was also involved 23 with the U.S. Agricultural Health Study, it looked 24 into the fact that he had in his possession, 25 several years prior to the IARC meeting on

1 glyphosate, updated manuscripts of the 2 Agricultural Health Study that looked into 3 glyphosate, and found no connection between 4 glyphosate and cancer. 5 Ms. Kelland had those draft manuscripts 6 reviewed by other scientists to get their 7 assessment of the -- of the conclusions. She 8 reviewed a number of other documents as well. She 9 reached out to Dr. Blair, and others, to get their 10 input. 11 And, ultimately, her story explained 12 that those manuscripts were in Dr. Blair's 13 possession, that they were not shared with the 14 IARC working group. And that based on -- based on 15 the testimony of Dr. Blair, that the -- the 16 outcome or the conclusion of those manuscripts 17 would have affected the outcome of the IARC 18 working group opinion. 19 0 And why did the -- why did Monsanto, to 20 your knowledge, provide information to Ms. Kelland 21 in connection with this story? 22 We thought this was important --Α 23 important information that needed to be published. 24 The Agricultural Health Study is a taxpayer --25 U.S. taxpayer-funded study. It's the largest

epidemiology study looking at glyphosate and cancer, and glyphosate-based formulations and cancer.

And we -- we had serious concerns about the fact that these manuscripts had been in preparation for years, but had not yet been published. And we were hopeful that by -- that through an article that was vetted and prepared by a reporter such as Ms. Kelland, those types of questions could be asked publicly.

11 Q And is providing information to 12 reporters, like you did with Ms. Kelland, common 13 practice in journalism?

14 Reporters, you know, are Α It is. 15 routinely in touch with sources and companies, and 16 universities, and other organizations, both to ask 17 questions, but they are also, you know, interested 18 in -- in potential stories. When there is a 19 matter that is of -- of importance and within 20 their area of interest, it would be very routine 21 for someone who works in public affairs to share 22 some information with a reporter.

Of course, it would ultimately be the decision of that reporter, and his or her editors, whether or not to pursue the story.

1	Q And was Ms. Kelland, if she wanted to do
2	so, able to speak to others, besides Monsanto, to
3	get their view of the story?
4	A Of course. And again, as I've
5	mentioned, I know she she talked to several
6	other other scientists, and reached out to
7	others for the story as well.
8	Q And did the company have any ability to
9	control what Ms. Kelland wrote in her story?
10	A No. Once once I provided the initial
11	information to to Ms. Kelland, she was free to
12	do with that information what she saw fit. And
13	the decision to investigate a story and ultimately
14	ultimately publish it was her decision, and the
15	decision of her editors at Reuters.
16	Q And the AHS study was, in fact, later
17	published; is that correct?
18	A It was. It was later published in the
19	Journal of the National Cancer Institute.
20	Q Did the company have any control over
21	the content of that publication?
22	A No.
23	MR. PARISER: I have no further
24	questions at this time.
25	MR. ESFANDIARY: Very quickly.

Confidential - Pursuant to Protective Order 1 THE VIDEOGRAPHER: Just stay on the 2 record? 3 MR. ESFANDIARY: Yeah, absolutely. 4 Absolutely. 5 THE VIDEOGRAPHER: You can switch sides, 6 but I'm going to let the cameras roll, is what I'm 7 sayinq. 8 MR. ESFANDIARY: Oh, okay. 9 THE VIDEOGRAPHER: Since it takes so 10 long to start them and stop them. 11 FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFFS 12 BY MR. ESFANDIARY: 13 Mr. Murphey, I appreciate your 0

<sup>14</sup> indulgence at this late hour.

Just a couple of follow-up questions on what Monsanto's counsel just asked you.

When you were in the office of Governor
Nixon, you developed relationships with obviously
Governor Nixon himself, correct?

20 A I did.

Q Okay. And you developed relationships with other political decision-makers in the State of Missouri, correct?

A I did.

Q And Monsanto is a resident of the State

Confidential - Pursuant to Protective Order 1 of Missouri, correct, sir? 2 Α Yes, Monsanto's headquarters was in 3 Missouri. 4 0 Have you found yourself drawing upon the 5 political influence that you built during your 6 time with Governor Nixon in your tenure at 7 Monsanto? MR. PARISER: Objection to -- objection 8 9 to form. 10 THE WITNESS: No. As I've explained, 11 my -- my work at Monsanto has been focused on 12 communications and media relations. Interactions 13 with government officials is not part of my -- not 14part of my responsibility. 15 BY MR. ESFANDIARY: 16 And counsel asked you earlier in your 0 17 representative capacity about the perception of 18 Monsanto by the public. And you responded that 19 there's a great deal of emotion, historical 20 emotion about Monsanto as an entity. Do you 21 remember that? 22 Α Yes. 23 0 What do you -- what is Monsanto's 24 perception of where this supposed emotion of the 25 public comes from?

1 MR. PARISER: Objection to form and 2 scope. 3 THE WITNESS: My -- my understanding, 4 you know, is that that -- that perception comes 5 from a real misunderstanding among many people 6 in -- in the public or in society today about 7 agriculture. And people, you know, are not -- are 8 not familiar with some of the tools that farmers 9 need to use to produce -- to produce food, and to 10 do so in a sustainable way. 11 People have questions about their food. 12 It's an emotional subject for all of us. We want 13 to know that the food that we're consuming or 14 providing to our family and friends is -- is safe. 15 But folks have not had, again, direct access to 16 information about -- about agriculture, and how it 17 works. 18 And so over -- over time, I think 19 Monsanto could have done more and could have done 20 it earlier, to engage in that public conversation, 21 and to allay some of those -- those concerns and 22 that emotion. And I think if they -- if the 23 company had done so, its reputation would probably 24 have been very different. 25 BY MR. ESFANDIARY:

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1 Now, you testified about your general 0 understanding, in your individual capacity, about 2 the AHS and its conclusions, correct, sir? 3 4 Α Yes. 5 Do you know what DeRoos 2003 is? 0 I believe that was an earlier version of 6 А 7 the Aq Health Study. 8 0 Okay. And what did DeRoos 2003 9 conclude? 10 MR. PARISER: Objection, lack of 11 foundation. 12 THE WITNESS: Offhand, I don't recall. 13 BY MR. ESFANDIARY: 14 Well, did -- are you familiar with 0 Eriksson 2008? 15 16 I believe that is another epidemiology А 17 study. I'm not familiar with its conclusions. 18 Are you aware of McDuffie 2002? 0 19 Again, I believe -- believe it's another Α 20 epidemiology study. 21 Are you aware of Bolognesi 1997? Q 22 Α No. 23 Sir, I'll represent to you that all of 0 those studies I read out to you have all found an 24 25 association between NHL and exposure to Roundup.

1	Is it fair to say that the only studies that seem
2	to have any notion about such a conclusion is the
3	one that Monsanto likes to use for the proposition
4	that glyphosate does not cancer, the AHS?
5	MR. PARISER: Objection to form,
6	misstates evidence.
7	THE WITNESS: No, my my understanding
8	is that the Agricultural Health the 2017
9	publication of the Agricultural Health Study is
10	the largest and most significant epidemiology
11	study that's been published on the subject of
12	glyphosate. But on the the other studies that
13	you've referenced, I just I don't have
14	familiarity into their conclusions.
15	BY MR. ESFANDIARY:
16	Q Please explain to the jury your
17	understanding of what the size of an
18	epidemiological study, how that impacts the
19	quality of the epidemiological study?
20	MR. PARISER: Objection to form.
21	THE WITNESS: In a very general sense,
22	my understanding is that an epidemiology study
23	with a larger sample size is more statistically
24	powerful, but I'm certainly I'm not an
25	epidemiologist.

Confidential - Pursuant to Protective Order BY MR. ESFANDIARY: 1 2 You don't know the size of the DeRoos 0 3 2003, correct, sir? 4 Α Offhand, I don't recall. 5 Okay. Are you aware that IARC reviewed 0 the AHS results from DeRoos 2005? 6 7 Yes, I believe I did know that. А 8 Are you aware that the results of 0 9 Alavania 2013, the unpublished draft that later 10 became the 2017 NCI publication, the results are 11 substantively identical to DeRoos 2005 that was 12 reviewed by IARC? 13 MR. PARISER: Objection to form and 14foundation. 15 THE WITNESS: I -- I can't speak to that 16 either way. 17 BY MR. ESFANDIARY: 18 So when you said that IARC was not in 0 19 possession of the updated AHS results, you don't 20 know, in fact, whether IARC was already privy to 21 identical results from the earlier AHS 22 publication, correct, sir? 23 MR. PARISER: Objection to form. 24 THE WITNESS: No. Well, my 25 understanding, and this is -- this is based off of

1	my reading of Dr. Blair's deposition, was that his
2	testimony was, if the updated data had been
3	available, it would have changed the assessment by
4	the epidemiology working group.
5	BY MR. ESFANDIARY:
6	Q You testified earlier to an earlier
7	line of questioning by myself, that IARC should
8	have postponed the review of glyphosate until the
9	NCI 2017 was published. Do you remember that,
10	sir?
11	A I that was a question that we raised,
12	is why why it wasn't delayed.
13	Q Do you think that the EPA should have
14	also waited until the publication of the NCI
15	before issuing its glyphosate issue paper?
16	MR. PARISER: Object. This is outside
17	the scope of the direct examination.
18	THE WITNESS: I believe that when EPA
19	I'd have to go back and check the timing of
20	whether the updated EPA issue paper included that
21	or not.
22	BY MR. ESFANDIARY:
23	Q Mr. Murphey, well, you testified
24	about you testified about this to some extent
25	today. You and I both can agree that the

1 glyphosate -- let's actually take a step back. 2 The CARC report, the 2015 Cancer 3 Assessment Review Committee, do you think that 4 that should have been postponed until the updated 5 results of the AHS had been published? 6 MR. PARISER: Objection to form. 7 THE WITNESS: At the time that the CARC 8 report met -- or the CARC committee met in 2015, 9 the data about the updated glyphosate manuscripts 10 was not available. 11 BY MR. ESFANDIARY: 12 0 Exactly. And IARC also met around the 13 same time frame as the CARC committee, correct, 14 sir? 15 Yes, but the key difference being that Α 16 someone who had personal knowledge of the updated 17 Ag Health Study manuscripts was a participant --18 was indeed the Chair of the IARC working group. 19 Q Mr. Murphey, you're aware that the 20 government, of which the EPA is a part, has full 21 responsibility for the funding of the 2017 NCI 22 study, right? 23 Α I am aware that it is funded by the 24 federal government. 25 MR. ESFANDIARY: Okay. Thank you. No

Confidential - Pursuant to Protective Order more questions. 1 2 MR. PARISER: No further questions. We're concluded. 3 THE VIDEOGRAPHER: The time is 6:45 4 5 p.m., January 22nd, 2019. Going off the record, 6 completing the videotaped deposition. 7 MR. PARISER: And just for the record, 8 the witness will read and sign. Make sure that 9 the transcript, in its entirety, is designated 10 confidential, pursuant to the protective orders in 11 this case. 12 MR. ESFANDIARY: So stipulated. 13 MR. PARISER: Thank you. 14 (Whereupon, the deposition of 15 SAMUEL MURPHEY was concluded at 16 6:46 p.m.) 17 18 19 20 21 22 23 24 25

1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER 2 The undersigned Certified Shorthand Reporter 3 does hereby certify: 4 That the foregoing proceeding was taken before 5 me at the time and place therein set forth, at 6 which time the witness was duly sworn; That the 7 testimony of the witness and all objections made at the time of the examination were recorded 8 9 stenographically by me and were thereafter 10 transcribed, said transcript being a true and 11 correct copy of my shorthand notes thereof; That 12 the dismantling of the original transcript will 13 void the reporter's certificate. 14 In witness thereof, I have subscribed my name 15 this date: January 28, 2019. 16 17 18 LESLIE A. TODD, CSR, RPR 19 Certificate No. 5129 20 21 (The foregoing certification of 22 this transcript does not apply to any 23 reproduction of the same by any means, 24 unless under the direct control and/or 25 supervision of the certifying reporter.)

1	INSTRUCTIONS TO WITNESS
2	Please read your deposition over carefully and
3	make any necessary corrections. You should state
4	the reason in the appropriate space on the errata
5	sheet for any corrections that are made.
6	After doing so, please sign the errata sheet
7	and date it.
8	You are signing same subject to the changes
9	you have noted on the errata sheet, which will be
10	attached to your deposition. It is imperative
11	that you return the original errata sheet to the
12	deposing attorney within thirty (30) days of
13	receipt of the deposition transcript by you. If
14	you fail to do so, the deposition transcript may
15	be deemed to be accurate and may be used in court.
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1	ACKNOWLEDGMENT OF DEPONENT
2	I,, do hereby
3	certify that I have read the foregoing pages, and
4	that the same is a correct transcription of the
5	answers given by me to the questions therein
6	propounded, except for the corrections or changes
7	in form or substance, if any, noted in the
8	attached Errata Sheet.
9	
10	
11	SAMUEL MURPHEY DATE
12	
13	
14	Subscribed and sworn to
15	before me this
16	day of,20
17	My commission expires:
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19	Notary Public
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