

# **EXHIBIT 26**

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

BEFORE THE HONORABLE WINIFRED Y. SMITH, JUDGE PRESIDING

DEPARTMENT NUMBER 21

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COORDINATION PROCEEDING	)	
SPECIAL TITLE (RULE 3.550)	)	
ROUNDUP PRODUCTS CASE	)	<b>JCCP No. 4953</b>

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THIS TRANSCRIPT RELATES TO:	)	
Pilliod, et al.	)	<b>Case No. RG17862702</b>
vs.	)	
Monsanto Company, et al.	)	<b>Pages 3075 - 3301</b>
	)	<b>Volume 19</b>

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**Reporter's Transcript of Proceedings**

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(APPEARANCES CONTINUED ON FOLLOWING PAGE)

1                   Is the actual stuff that's in this bottle,  
2 does that actually contain formaldehyde?

3           **A.**    Yes.

4           **Q.**    Okay. All right. So what's the other  
5 contaminant?

6           **A.**    The next one in terms of significance is  
7 ethylene oxide.

8           **Q.**    How do you spell that out?

9           **A.**    E-T-H-Y-L-E-N-E oxide.

10          **Q.**    What is ethylene oxide, sir?

11          **A.**    It's a sterilization gas. It kills every type  
12 of biological life on earth. It is an extremely  
13 powerful sterilizing gas. But it's also extremely  
14 mutagenic and a class A human carcinogen.

15                   It's also very volatile. It boils at a  
16 subzero boiling point. So when it's in a solution, it  
17 has a tremendous tendency to come out of that solution  
18 into what we call the head space of a container.

19                   So if I had this zero head space bottle of  
20 water, it wouldn't be a problem. But if I had a little  
21 air in the bottle, as one of our jurors has sitting  
22 there, that over time that air in the bottle, the  
23 ethylene oxide would accumulate in that air space.

24          **Q.**    So this bottle here has been sealed for a  
25 couple of years. In your opinion -- well, let me back

1 up.

2 Is this stuff in the Roundup?

3 A. Yes.

4 Q. And you said it accumulates in the head space.  
5 So this actually has Roundup that's been sitting in here  
6 for a while. If I were to open up this cap, what would  
7 happen?

8 A. There would be ethylene oxide escaping from  
9 that head space.

10 Now I want to point out the ethylene oxide in  
11 Roundup presents no harm, no problem when you're out  
12 spraying. It's too dilute. The only problem is what  
13 can accumulate in that head space in the bottle.

14 Q. So if it's been stored for a while, that's  
15 when it becomes dangerous?

16 A. Yes.

17 Q. Okay. All right. What's the other  
18 contaminant?

19 A. Well, probably in terms of significance,  
20 1,4-dioxane. It's "1 comma 4 hyphen dioxane,"  
21 D-I-O-X-A-N-E.

22 And, again, all of these are reactants.  
23 They're not in any way deliberately put into the  
24 product. They form when the product is made, in crude  
25 form, so it's part of the production process.