

# EXHIBIT 10

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS ) MDL No. 2741  
LIABILITY LITIGATION, )  
 ) Case No.  
\_\_\_\_\_ ) 16-md-02741-VC  
 )  
This document relates )  
to: )  
 )  
Hardeman v. Monsanto )  
(3:16-cv-00525-VC) )  
\_\_\_\_\_ )

Video Deposition of DENNIS  
WEISENBURGER, M.D., held at 700 West  
Huntington Drive, Monrovia, California,  
commencing at 8:35 a.m., on Thursday,  
December 20, 2018, before Lisa Moskowitz,  
California CSR 10816, RPR, CRR, CLR, NCRA  
Realtime Systems Administrator.

- - -

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Page 2

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 20 VIDEOGRAPHER:  
 21 RYAN SCHAEFER,  
 GOLKOW LITIGATION SERVICES  
 22  
 23  
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 2 NUMBER DESCRIPTION PAGE  
 3 11 Castillo Article 87  
 4 12 Zuckerman Article 100  
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 3 DENNIS WEISENBURGER, M.D.  
 4 By Ms. Du Pont 6, 113  
 5 By Ms. Forgie 106  
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 7  
 8  
 9 DEPOSITION EXHIBITS  
 10 NUMBER DESCRIPTION PAGE  
 11 1 Monsanto Company's Notice to  
 Take Oral and Videotaped  
 12 Deposition of Dr. Dennis  
 Weisenburger  
 13  
 14 2 Dr. Weisenburger Materials 8  
 List, November 13, 2018  
 15 3 Curriculum Vitae 8  
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 22 8 IARC Monograph on Hepatitis C 54  
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1 MONROVIA, CALIFORNIA  
 2 THURSDAY, DECEMBER 20, 2018, 8:35 A.M.  
 3  
 4 THE VIDEOGRAPHER: We're now on  
 5 record. My name is Ryan Schaefer. I'm  
 6 a videographer for Golkow Litigation  
 7 Services.  
 8 Today's date is December 20,  
 9 2018, and the time is 8:35 a.m. This  
 10 video deposition is being held at  
 11 700 West Huntington Drive, Monrovia,  
 12 California, in the matter of Hardeman  
 13 versus Monsanto Company, case number  
 14 3:16-cv-00525-VC for the U.S. District  
 15 Court, Northern District of California.  
 16 The deponent is Dr. Dennis Weisenburger.  
 17 Counsel will be noted on the  
 18 stenographic record and will counsel  
 19 please identify themselves.  
 20 MS. FORGIE: Kathryn Forgie of  
 21 Andrus Wagstaff for the plaintiff  
 22 Mr. Hardeman.  
 23 MS. DU PONT: Julie du Pont of  
 24 Arnold Porter on behalf of Monsanto.  
 25 MS. PODSIADLO: Kathryn



Page 10

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

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17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

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21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Page 12

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. You also reviewed the testimony of

12 several of Mr. Hardeman's doctors, Dr. [REDACTED],

13 [REDACTED], and [REDACTED]; is that right?

14 A. Yes.

15 Q. You had the opportunity to review

16 the depo transcript of Mr. Hardeman; right?

17 A. Yes.

18 Q. Did you review the deposition

19 transcript of his wife's deposition?

20 A. Yes.

21 Q. That just wasn't listed here, but

22 you did, in fact, review it?

23 A. Yes.

24 MS. FORGIE: We'd like to add

25 it.

Page 11

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Page 13

1 MS. DU PONT: Okay.

2 MS. FORGIE: I thought it was

3 on there.

4 BY MS. DU PONT:

5 Q. Since you received -- since you

6 wrote your report, you've also had the

7 opportunity to review the reports of

8 Dr. Arbor, Grossbard, Levine and Steidl; is

9 that right?

10 A. Yes.

11 Q. Do you know Dr. Levine?

12 A. Yes.

13 Q. You worked together at the City of

14 Hope; right?

15 A. She was my boss.

16 Q. She was your boss but now she isn't

17 your boss?

18 A. Yes. She stepped down from her

19 position.

20 Q. Did you respect her?

21 A. Yes.

22 Q. Did you consider her to be a highly

23 qualified oncologist?

24 A. Yes.

25 Q. And you mentioned you also know

Page 14

1 Dr. Arbor and you respect him as well?  
 2 A. Yes.  
 3 Q. And, again, you believe him to be a  
 4 highly qualified pathologist?  
 5 A. Yes.  
 6 Q. And how do you know Dr. Arbor?  
 7 A. Just we move in the same circles.  
 8 He does the same thing I do. We always see  
 9 each other at meetings. He also did his  
 10 training at the City of Hope. We have kind  
 11 of a common bond there.  
 12 Q. Okay. Do you know Dr. Michael  
 13 Grossbard?  
 14 A. I don't.  
 15 Q. And do you know Dr. Steidl?  
 16 A. Yes.  
 17 Q. I may be pronouncing his name  
 18 wrong.  
 19 A. Steidl.  
 20 Q. How do you know him?  
 21 A. Sort of the same way, through just  
 22 we do -- we've done research together. You  
 23 know, we see each other at meetings. He's  
 24 visited City of Hope. So we know each other  
 25 through our academic endeavors.

Page 15

1 Q. Okay. And do you respect him?  
 2 A. Yes.  
 3 Q. Do you consider him to be highly  
 4 qualified in his field?  
 5 A. Yes.  
 6 Q. Okay. You can set that aside.  
 7 We've marked as Exhibit 4 your invoice for  
 8 your work in the Hardeman matter.  
 9 (Exhibit Number 4 was marked  
 10 for identification.)  
 11 BY MS. DU PONT:  
 12 Q. Can you take a look at that?  
 13 A. Yes.  
 14 Q. It looks like between October 20,  
 15 2018, and November 20, 2018, you billed  
 16 32-and-a-half hours; is that right?  
 17 A. Yes.  
 18 Q. At \$500 an hour?  
 19 A. Yes.  
 20 Q. And so as of November 20, 2018 you  
 21 had made \$16,250?  
 22 A. Yes.  
 23 Q. And have you worked on  
 24 Mr. Hardeman's case since November 20, 2018?  
 25 A. Yes.

Page 16

1 Q. How many hours have you billed?  
 2 A. 32.5. 35.5.  
 3 Q. So you worked an additional three  
 4 hours or you --  
 5 A. 35 hours. 35½ hours.  
 6 Q. In addition to the 32.5 you already  
 7 billed. Okay.  
 8 MS. PODSIADLO: 17,750.  
 9 BY MS. DU PONT:  
 10 Q. You've earned an additional \$17,750  
 11 on Mr. Hardeman's case since November 20?  
 12 A. If the math is correct, yes.  
 13 Q. So in total you've made \$34,000  
 14 working on Mr. Hardeman's case to date?  
 15 A. Sounds right.  
 16 Q. Okay. And that additional  
 17 35½ hours, how did you spend that time?  
 18 A. Mostly reading additional materials  
 19 on hepatitis C and hepatitis B and other  
 20 topics.  
 21 Q. And why did you feel the need to  
 22 read additional materials on hep C and hep B  
 23 and other topics?  
 24 A. It's not an area I'm particularly  
 25 an expert in; so I had to go back and learn

Page 17

1 a lot about hepatitis C and hepatitis B.  
 2 When I read the Monsanto expert reports,  
 3 there were some issues that I needed to  
 4 research and understand.  
 5 So I pulled additional articles  
 6 that were referenced in their reports.  
 7 Q. Did counsel for plaintiff provide  
 8 you with any additional articles on hep B  
 9 and hep C?  
 10 A. No.  
 11 Q. [REDACTED]  
 12 [REDACTED]  
 13 [REDACTED]  
 14 A. We looked at -- into autoimmune  
 15 disease. I looked into eczema. I guess  
 16 those were the main things.  
 17 Q. Okay. Now, you can set your  
 18 invoice aside. We've marked as Exhibit 5  
 19 your retention agreement with Andrus  
 20 Wagstaff.  
 21 Do you see that?  
 22 A. Yes.  
 23 Q. Do you understand this to be your  
 24 retention agreement in the Roundup  
 25 litigation as well as your W-9 which is on

Page 18

1 the second page?  
 2 A. Yes.  
 3 (Exhibit Number 5 was marked  
 4 for identification.)  
 5 BY MS. DU PONT:  
 6 Q. You can set that aside.  
 7 MS. FORGIE: I'd like to  
 8 redact. I didn't realize his social  
 9 security number was in there. I'd like  
 10 to redact that from the deposition.  
 11 Can we do that on the exhibit?  
 12 MS. DU PONT: Sure.  
 13 MS. FORGIE: Can we do that  
 14 now?  
 15 MS. DU PONT: Yeah. Do you  
 16 want to take a brief break?  
 17 MS. FORGIE: Yeah, that's kind  
 18 of a big deal.  
 19 THE VIDEOGRAPHER: The time is  
 20 8:49 a.m., and we are off the record.  
 21 (Recess taken from 8:50 a.m.  
 22 to 8:50 a.m.)  
 23 THE VIDEOGRAPHER: The time  
 24 is now 8:50 a.m., and we are back on  
 25 the record.

Page 19

1 MS. FORGIE: Just for the  
 2 record, we -- by agreement of all  
 3 counsel, we had the court reporter  
 4 redact Dr. Weisenburger's social  
 5 security number from Exhibit 5. Thank  
 6 you.  
 7 MS. DU PONT: Okay.  
 8 BY MS. DU PONT:  
 9 Q. Moving on, marked as Exhibit 6 is  
 10 your addendum to your reference list.  
 11 (Exhibit Number 6 was marked  
 12 for identification.)  
 13 BY MS. DU PONT:  
 14 Q. When did you prepare this addendum?  
 15 A. It would have been last week.  
 16 Q. So it was prepared after you wrote  
 17 your report and your report was served on  
 18 Monsanto; correct?  
 19 A. Yes.  
 20 Q. Is it fair to say that the articles  
 21 on this list you did not rely on in  
 22 preparing your report?  
 23 MS. FORGIE: Objection.  
 24 THE WITNESS: Well, many of the  
 25 articles on this are articles I pulled

Page 20

1 to learn about hepatitis B and hepatitis  
 2 C. I didn't include them all in my  
 3 report, although I read them all. I  
 4 guess I don't really need to rely on  
 5 them for purposes of my testimony.  
 6 BY MS. DU PONT:  
 7 Q. So the main references that you are  
 8 relying on for purposes of your testimony  
 9 are those references that you included in  
 10 the Hardeman specific report itself?  
 11 A. Yes.  
 12 Q. And you had reviewed some of the  
 13 references on this addendum prior to serving  
 14 your report, and you believe that you  
 15 considered those materials but you are not  
 16 necessarily relying on them for your  
 17 opinions; is that accurate?  
 18 A. Yes.  
 19 Q. Okay. I think you can set that  
 20 aside.  
 21 Now, did counsel for Mr. Hardeman  
 22 provide you with any memo or memos regarding  
 23 Mr. Hardeman's Roundup exposure?  
 24 A. No, just the fact sheet. The fact  
 25 sheet.

Page 21

1 Q. Okay. Let's take a look now at  
 2 your report that you served in the Hardeman  
 3 matter. We have marked Dr. Dennis  
 4 Weisenburger's report under Hardeman versus  
 5 Monsanto as Exhibit 7.  
 6 (Exhibit Number 7 was marked  
 7 for identification.)  
 8 BY MS. DU PONT:  
 9 Q. And is this your report in the  
 10 Hardeman matter, Dr. Weisenburger?  
 11 A. Yes.  
 12 Q. And this report discloses all the  
 13 opinions that you intend to offer at trial  
 14 in Mr. Hardeman's case?  
 15 A. Yes. There are a couple errors in  
 16 the report. I don't know whether you want  
 17 to talk about them now or later.  
 18 Q. You can go ahead and tell me what  
 19 the errors are now.  
 20 A. So on the third written page at the  
 21 end of the second paragraph, I see the  
 22 latency is 29 years. It's actually  
 23 26 years. The first sentence of the  
 24 paragraph says 26 years. The end  
 25 paragraph says 29 years. It should be



Page 22

1 26 years.  
 2 Q. You're saying his exposure to  
 3 Roundup in this case should be 26 years and  
 4 not 29 years?  
 5 A. Yes.  
 6 MS. FORGIE: It's a typo  
 7 because the top says 26 years.  
 8 MS. DU PONT: Yes.  
 9 THE WITNESS: The other  
 10 correction is the odds ratio for BMI. I  
 11 put down the wrong odds ratio. I wrote  
 12 down 1.14. It should be 1.27.  
 13 BY MS. DU PONT:  
 14 Q. And is the confidence interval,  
 15 does that also need to be corrected?  
 16 A. Yes. The confidence interval is  
 17 1.09-1.47.  
 18 Q. And what I'll do later is we can  
 19 take a look at the reference that you're  
 20 relying on and understand where you're  
 21 getting those numbers.  
 22 A. Okay.  
 23 Q. Do you have any other corrections  
 24 that you want to make to your report at this  
 25 time?

Page 23

1 A. No.  
 2 Q. And your report along with your  
 3 reliance list discloses all of the bases for  
 4 the opinions you intend to offer in  
 5 Mr. Hardeman's case?  
 6 MS. FORGIE: Objection.  
 7 THE WITNESS: Yes.  
 8 BY MS. DU PONT:  
 9 Q. Did you, in your preparation of  
 10 this report, review any case-specific expert  
 11 reports for Mr. Hardeman's other  
 12 case-specific experts?  
 13 A. No.  
 14 Q. Did you review any of  
 15 Mr. Hardeman's other case-specific expert  
 16 reports after you prepared the report?  
 17 A. I did review the rough draft of the  
 18 Nabhan deposition.  
 19 Q. Did you review the case-specific  
 20 report in the Hardeman matter?  
 21 A. No.  
 22 Q. And anything you disagreed with  
 23 that Dr. Nabhan said at his deposition?  
 24 A. Not that I remember.  
 25 Q. Had you actually, prior to writing

Page 24

1 your Hardeman-specific report, reviewed  
 2 Dr. Nabhan's generic testimony in the MDL?  
 3 A. You mean his general causation  
 4 testimony?  
 5 Q. Yes.  
 6 A. I did review some of -- I don't  
 7 remember exactly what I reviewed, but I did  
 8 review some materials from him, yes. I  
 9 don't know whether it was his report or a  
 10 deposition. I don't remember.  
 11 MS. FORGIE: I'm going to  
 12 object to this. It's going into general  
 13 causation.  
 14 MS. DU PONT: I'm just  
 15 inquiring whether he read other  
 16 testimony from Dr. Nabhan who's a  
 17 case-specific expert in his report.  
 18 BY MS. DU PONT:  
 19 Q. On Exhibit A, if you want to refer  
 20 to Exhibit 2 which was your supplemental  
 21 list, I'll just note that you did list under  
 22 76 on that supplemental list that you  
 23 disclosed as part of the Hardeman record the  
 24 deposition transcripts and exhibits of  
 25 Dr. Nabhan taken on August 23, 2017.

Page 25

1 A. Where is that? Oh, okay.  
 2 Q. Take a look at Reference Number 76.  
 3 Just confirm for me that you did, in fact,  
 4 review his August, 2017, testimony.  
 5 MS. FORGIE: Objection.  
 6 THE WITNESS: Yes, I did.  
 7 BY MS. DU PONT:  
 8 Q. Okay. Do you generally agree with  
 9 the testimony that Dr. Nabhan gave in the  
 10 Hardeman matter, the rough draft that you  
 11 reviewed?  
 12 MS. FORGIE: Objection. Asked  
 13 and answered.  
 14 THE WITNESS: Yes.  
 15 BY MS. DU PONT:  
 16 Q. You don't intend to offer at trial  
 17 any opinions that are not disclosed in the  
 18 expert report that we've marked as  
 19 Exhibit 7; correct?  
 20 MS. FORGIE: Objection.  
 21 THE WITNESS: Correct.  
 22 BY MS. DU PONT:  
 23 Q. Let's talk about how you prepared  
 24 your report in this case. Am I correct that  
 25 you prepared the report yourself?



Page 26

1 A. Yes.

2 Q. And how long did you spend drafting

3 the report?

4 A. Hours. Many hours.

5 Q. Do you remember how many?

6 A. Well, most of my first --

7 Q. 32 hours were spent?

8 A. -- 32 hours were spent researching

9 it and writing it and correcting it.

10 Q. Describe your process for drafting

11 your report.

12 A. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. Okay.

25 A. Considered the literature on

Page 27

1 obesity and overweight.

2 Q. Okay. So let's talk a little bit

3 about the telephone interview that you had

4 with Mr. Hardeman. That took place on

5 November 1, 2018; is that right?

6 A. Yes, yes.

7 Q. And do you understand that was

8 prior to when Mr. Hardeman was deposed in

9 this matter?

10 A. Yes.

11 Q. How long did the telephone call

12 last that you had with Mr. Hardeman?

13 A. It was about an hour, more or less.

14 I don't remember exactly.

15 Q. If you billed for an

16 hour-and-a-half on November 1, would that

17 hour-and-a-half have been for your phone

18 call with Mr. Hardeman, or was it additional

19 work as well?

20 A. It's probably additional work.

21 Maybe preparation before the phone call. I

22 didn't spend an hour-and-a-half on the phone

23 with him. I believe it was 45 minutes to an

24 hour.

25 Q. Was anyone else on the call besides

Page 28

1 yourself and Mr. Hardeman?

2 A. No.

3 Q. And did you take notes of that

4 phone call?

5 A. Yes.

6 Q. And did you rely on those notes in

7 preparing your report in this case?

8 MS. FORGIE: Objection.

9 THE WITNESS: Yes.

10 BY MS. DU PONT:

11 Q. And did you review those notes

12 prior to this deposition today?

13 A. Yes.

14 Q. And I would just request at this

15 time that counsel for Mr. Hardeman produce

16 the notes from Dr. Weisenburger's telephone

17 interview with Mr. Hardeman?

18 MS. FORGIE: I'm inclined not

19 to, but I'll talk to him at the break

20 about it and make a final addition.

21 MS. DU PONT: Thank you.

22 MS. FORGIE: Pursuant to

23 Pretrial Order Number 7 which states we

24 don't have to produce drafts.

25 MS. DU PONT: I would just

Page 29

1 maintain I'm not sure telephone

2 interview notes are drafts, but would be

3 more a reflection of the interview that

4 took place and not a draft report.

5 MS. FORGIE: It includes notes

6 as well.

7 BY MS. DU PONT:

8 Q. It looks like you spent about ten

9 hours prior to your phone call with

10 Mr. Hardeman working on his case based on

11 the invoice you provided. If you want to

12 take a look at it, feel free. It's

13 Exhibit 4.

14 A. That's correct.

15 Q. And what did you do for those ten

16 hours?

17 A. It was mainly reviewing the medical

18 record and the fact sheet, which at that

19 time, I think that's all I had.

20 Q. Okay. You mentioned already that

21 your telephone conversation, one of the

22 things you talked to him about was his

23 exposures. What did you mean by that?

24 A. His use of Roundup, how did he use

25 Roundup.

1 Q. On the call with Mr. Hardeman, did  
2 he have any trouble remembering the facts  
3 about his Roundup use?

4 A. No, I don't think so. He was  
5 pretty straightforward.

6 Q. Okay. And you said you asked him  
7 about -- when you said exposures, did you  
8 also consider other exposures to other  
9 chemicals or any viruses?

10 A. Yes, yes. I asked about other  
11 chemicals, solvents.

12 Q. What did he tell you about those  
13 other chemicals and solvents?

14 A. That pretty much he only used  
15 Roundup. There were a few instances where  
16 they had used something for ants, and there  
17 were a few instances where they had sprayed  
18 wasps or bees, I can't remember, but those  
19 were very infrequent.

20 Q. [REDACTED]

1 [REDACTED]

1 [REDACTED]

1 [REDACTED]

Page 34

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

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16 [REDACTED]

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10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 MS. FORGIE: Objection.

20 [REDACTED]

Page 37

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 MS. FORGIE: Objection. Asked and answered. You can answer it again.

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

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1 [REDACTED]  
2 [REDACTED]  
3 MS. FORGIE: Objection.  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
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18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

Page 40

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 Q. Would you agree with me that  
8 Mr. Hardeman -- let me start that again. I  
9 just lost my microphone.  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 MS. FORGIE: Objection.  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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1 MS. FORGIE: Objection.  
2 [REDACTED]  
3 [REDACTED]  
4 say.  
5 MS. FORGIE: Objection.  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

Page 41

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 MS. DU PONT: I'd ask that you  
18 object to form. That's what the rules  
19 are.  
20 MS. FORGIE: I'll make whatever  
21 objections I think are appropriate. I  
22 would ask that you stop asking the same  
23 question three or four times.  
24 MS. DU PONT: I'm not asking it  
25 three or four times.

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1 MS. FORGIE: Yes, you are.  
 2 MS. DU PONT: Let's move to a  
 3 different topic.  
 4 BY MS. DU PONT:  
 5 Q. Mr. Hardeman's Roundup use. You  
 6 agree that he was using it as a home user;  
 7 correct?  
 8 A. Yes.  
 9 Q. He was not a farmer spraying it on  
 10 his crops; correct?  
 11 A. Correct.  
 12 Q. And in your report, you discuss for  
 13 a couple pages what his Roundup use was and  
 14 what his exposure was; correct?  
 15 A. Yes.  
 16 Q. And you mention that much of that  
 17 discussion in your report came from the  
 18 interview that you had with him in November  
 19 of -- November 1, 2018; correct?  
 20 A. Yes.  
 21 Q. But you also read his deposition;  
 22 right?  
 23 A. I did.  
 24 Q. And do you understand that there's  
 25 some inconsistencies in what he said at his

Page 43

1 deposition versus what he told you at that  
 2 interview on November 1?  
 3 MS. FORGIE: Objection.  
 4 THE WITNESS: Yes.  
 5 BY MS. DU PONT:  
 6 Q. Do you remember any of those  
 7 inconsistencies right now, sitting here  
 8 today?  
 9 A. Yeah. So the main ones were that  
 10 he told me he used the Roundup all  
 11 year-round, pretty much every month. He  
 12 used it intensively for about eight months  
 13 and less intensively for the other four  
 14 months.  
 15 At his deposition, he changed that  
 16 and said he used it intensively for about  
 17 six months out of the year and that he used  
 18 it less intensively only two months out of  
 19 the year.  
 20 So, yeah, there's some  
 21 discrepancies that occurred. I can't  
 22 explain those things. I didn't call him  
 23 back and ask him what the truth was because  
 24 by that time I had written my report.  
 25 So, you know, sometimes people have

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1 difficulty remembering things. [REDACTED]  
 2 [REDACTED]  
 3 [REDACTED]  
 4 I don't know what happened. When I  
 5 questioned him, I was very careful to be as  
 6 precise as I could, and this is the history  
 7 that he gave to me. So whether it was one  
 8 or the other, he still had significant  
 9 exposures to Roundup.  
 10 Q. So it's your understanding that  
 11 when he gave his deposition under oath on  
 12 November 8, 2018, that he testified that  
 13 when he was spraying on the Forestville  
 14 property, he was only spraying for about  
 15 eight months per year; correct?  
 16 MS. FORGIE: Objection.  
 17 THE WITNESS: That's what he  
 18 said.  
 19 BY MS. DU PONT:  
 20 Q. You did not note that discrepancy  
 21 between his deposition transcript and your  
 22 interview in your report; right?  
 23 A. No, because I read his transcript  
 24 after I wrote my report. So my report was  
 25 already written and submitted.

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1 Q. Got it. So you reviewed his  
 2 deposition transcript after the report was  
 3 served on Monsanto?  
 4 A. Yes.  
 5 Q. Would you agree with me, though,  
 6 that if we go by his testimony at his  
 7 deposition, that in your report, you  
 8 overestimated the amount of spraying that  
 9 Mr. Hardeman was doing?  
 10 MS. FORGIE: Objection.  
 11 THE WITNESS: That's correct.  
 12 BY MS. DU PONT:  
 13 Q. [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
 19 [REDACTED]  
 20 MS. FORGIE: Objection.  
 21 THE WITNESS: No.  
 22 BY MS. DU PONT:  
 23 [REDACTED]  
 24 [REDACTED]  
 25 [REDACTED]

Page 46

1 [REDACTED]  
 2 [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED].  
 10 Q. Now, you wrote in your report that  
 11 he would often get the spray on his hands,  
 12 arms, face and sometimes mouth and sometimes  
 13 he inhaled the mist while spraying.  
 14 Do you recall writing that in your  
 15 report?  
 16 A. Yes.  
 17 Q. Did you actually ask Mr. Hardeman  
 18 in the interview how many times he got the  
 19 spray on his arms, face, and mouth?  
 20 A. It was frequent.  
 21 Q. But did you also review  
 22 Mr. Hardeman's deposition to see how many  
 23 times he had spilled on himself?  
 24 A. I can't remember the numbers, but  
 25 it was less than what he told me.

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1 Q. So if he testified at his  
 2 deposition that he spilled on himself about  
 3 ten times, does that sound right?  
 4 A. I don't remember what the  
 5 deposition says. It was considerably less  
 6 than what he told me.  
 7 Q. But, again, if we went by what he  
 8 said in his deposition, that would have been  
 9 less exposure to Roundup; correct?  
 10 MS. FORGIE: Objection.  
 11 THE WITNESS: Well, I think  
 12 people get exposed to Roundup when they  
 13 use mist, whether they know it or not.  
 14 Okay? So the fact that he -- what he  
 15 told me was that he frequently got it on  
 16 his hands and his arms when he was  
 17 spraying from the truck and over the  
 18 fence. It was common. That's what he  
 19 told me.  
 20 I don't understand him changing  
 21 his story in the deposition. I wrote my  
 22 report based on what he told me, and I  
 23 believed it was true. If you deposed  
 24 him today, he might tell you something  
 25 totally different. I don't know.

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1 BY MS. DU PONT:  
 2 Q. If we go by what he said in his  
 3 deposition and what you've written in your  
 4 report overestimates his exposure to  
 5 Roundup; right?  
 6 MS. FORGIE: Objection.  
 7 THE WITNESS: Probably,  
 8 although I think by him telling you that  
 9 he only got it on his hands ten times,  
 10 he's grossly underestimating his  
 11 exposure.  
 12 BY MS. DU PONT:  
 13 Q. How do you know that?  
 14 A. Because of the story. When you  
 15 spray Roundup in a mist, you're going to get  
 16 it on your hands. You're going to get it on  
 17 your arms. You're going to get it on your  
 18 clothes, just by the nature of what you're  
 19 doing.  
 20 Q. Have you sprayed Roundup before?  
 21 A. No. I prefer 2,4-D, thank you.  
 22 Q. What's your basis for saying that  
 23 when you spray Roundup, you're going to get  
 24 it on your hands?  
 25 A. Because it happens to me when I

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1 spray 2,4-D.  
 2 Q. But you don't have any personal  
 3 experience spraying Roundup; correct?  
 4 A. I don't.  
 5 Q. Now, you understand that at his  
 6 deposition, he also testified that he only  
 7 inhaled Roundup about two or three times;  
 8 correct?  
 9 MS. FORGIE: Objection.  
 10 THE WITNESS: I believe that's  
 11 what he said. What did I say?  
 12 Sometimes.  
 13 BY MS. DU PONT:  
 14 [REDACTED]  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 A. Yes, I do.  
 23 Q. Mr. Hardeman also explained to you  
 24 that he would wash his hands if he spilled  
 25 on himself; correct?

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1 A. So if he was mixing and he got it  
 2 on his hands, he would wash it off with a  
 3 hose. If he was out in the field spraying  
 4 and he got it on his hands, he waited until  
 5 he got back, which could have been one, two,  
 6 three, four hours later.  
 7 Q. But he would take a shower after  
 8 that happened, if he spilled it on himself;  
 9 correct?  
 10 MS. FORGIE: Objection.  
 11 THE WITNESS: Yes, he usually  
 12 took a shower after spraying.  
 13 BY MS. DU PONT:  
 14 Q. Does the fact that someone washes  
 15 the Roundup off of them after they've gotten  
 16 it on their skin, does that decrease their  
 17 exposure in your mind?  
 18 A. Yes.  
 19 Q. You agree that hepatitis C is a  
 20 risk factor for non-Hodgkin's lymphoma;  
 21 correct?  
 22 A. Yes.  
 23 Q. And it's also a risk factor for  
 24 diffuse large B-cell lymphoma; correct?  
 25 A. Yes.

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1 Q. In fact, in your report you mention  
 2 that there's a 2 to 2.6-fold increased risk  
 3 of diffused large B-cell non-Hodgkin's  
 4 lymphoma with the infection of hepatitis C;  
 5 correct?  
 6 A. Yes.  
 7 Q. Do you know what the latency is  
 8 between exposure to hepatitis C virus and  
 9 development of diffuse large B-cell  
 10 lymphoma?  
 11 A. There's one study that actually was  
 12 able to look at that. It's probably  
 13 somewhere between 6 and 8 years. These are  
 14 in people with active hepatitis. So it's  
 15 not very long, actually. Between 6 and  
 16 8 years.  
 17 Q. What study is that that you're  
 18 referring to?  
 19 A. It's one of the ones that I  
 20 reference. I can't remember which one.  
 21 Q. You can't remember, sitting here  
 22 today, what reference it is that says the  
 23 latency for hep C in development is 6 to  
 24 8 years?  
 25 A. I can't. It's one of the ones you

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1 reference, but I can't remember which one it  
 2 was.  
 3 Q. Is that the median?  
 4 A. Yes, that's the median.  
 5 Q. So if there's a bell curve, it can  
 6 be much -- it could be shorter or it could  
 7 be longer than 6 to 8 years; correct?  
 8 A. Yes.  
 9 Q. And do you recall what that  
 10 reference says the bottom and the top of the  
 11 bell curve are, sitting here right now?  
 12 A. I can't remember whether they give  
 13 that information.  
 14 Q. Do you consider hepatitis C  
 15 infection to be a causative risk factor for  
 16 non-Hodgkin's lymphoma?  
 17 MS. FORGIE: Objection.  
 18 THE WITNESS: Yes, active  
 19 hepatitis C infection. Chronic active  
 20 hepatitis C infection.  
 21 BY MS. DU PONT:  
 22 Q. And do you consider chronic, active  
 23 hepatitis C infection to be a causative risk  
 24 factor for diffuse large B-cell lymphoma?  
 25 MS. FORGIE: Objection.

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1 THE WITNESS: Yes.  
 2 BY MS. DU PONT:  
 3 Q. There are medical studies out there  
 4 that actually discuss that infection with  
 5 hepatitis C is not really a risk factor, but  
 6 that it is a cause of diffuse large B-cell  
 7 lymphoma; correct?  
 8 A. Yes.  
 9 Q. Are you familiar with the monograph  
 10 from the International Agency for Research  
 11 on Cancer regarding hep C?  
 12 A. Yes.  
 13 Q. But you did not cite that on any of  
 14 your reference lists; correct?  
 15 A. I didn't think I needed to.  
 16 Q. And that's because it's redundant  
 17 of your belief that hep C is a causative  
 18 risk factor for non-Hodgkin's lymphoma?  
 19 MS. FORGIE: Objection.  
 20 THE WITNESS: It would be for  
 21 the support. I've already accepted that  
 22 as a fact in my report.  
 23 BY MS. DU PONT:  
 24 Q. Okay.  
 25 A. I could have referenced it, but I



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1 didn't.  
 2 Q. I'm going to go ahead and mark as  
 3 Exhibit 8 the IARC monograph on hepatitis C.  
 4 (Exhibit Number 8 was marked  
 5 for identification.)  
 6 MS. FORGIE: Whenever you're  
 7 ready for a break.  
 8 MS. DU PONT: We can finish  
 9 this document, and we'll take a break.  
 10 MS. FORGIE: Thanks.  
 11 BY MS. DU PONT:  
 12 Q. If you turn to page 158 of the  
 13 monograph under Section 5, "Evaluation," do  
 14 you see that there is sufficient -- that  
 15 IARC writes, "There is sufficient evidence  
 16 in humans for the carcinogenicity of chronic  
 17 infection with HCV"?  
 18 Did I read that correctly?  
 19 A. Yes.  
 20 Q. And they note, "Chronic infection  
 21 with hepatitis C virus causes hepatocellular  
 22 carcinoma and non-Hodgkin's lymphoma."  
 23 Do you see that?  
 24 A. Yes.  
 25 Q. And then they go on to say,

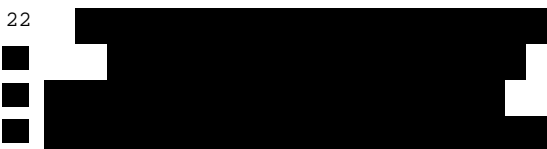
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1 "Chronic infection with HCV is carcinogenic  
 2 to humans Group 1."  
 3 Do you see that?  
 4 A. Yes.  
 5 Q. So IARC concluded that there was  
 6 sufficient evidence that chronic infection  
 7 with the hepatitis C virus causes  
 8 non-Hodgkin's lymphoma; correct?  
 9 A. Yes.  
 10 Q. And that chronic infection with the  
 11 HCV or the hepatitis C virus is carcinogenic  
 12 to humans Group 1; correct?  
 13 A. Yes.  
 14 Q. And we know that Mr. Hardeman had  
 15 anywhere between 25 and 40 years of chronic  
 16 hepatitis C infection prior to his diagnosis  
 17 of non-Hodgkin's lymphoma; correct?  
 18 MS. FORGIE: Objection.  
 19 THE WITNESS: Correct.  
 20 BY MS. DU PONT:  
 21 Q. And do you understand that when  
 22 IARC concludes that there is sufficient  
 23 evidence of carcinogenicity with respect to  
 24 a virus or any substance, that that means  
 25 that there's a positive relationship that

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1 has been observed between the exposure and  
 2 the cancer in studies in which chance, bias,  
 3 and confounding could be ruled out with  
 4 reasonable confidence?  
 5 Do you understand that that's their  
 6 definition?  
 7 A. Yes.  
 8 Q. So with respect to hepatitis C, a  
 9 positive relationship has been observed  
 10 between exposure to chronic hepatitis C and  
 11 cancer in studies in which chance, bias, and  
 12 confounding could be ruled out with  
 13 reasonable confidence; correct?  
 14 A. Yes.  
 15 Q. So is it fair to say that IARC's  
 16 conclusion that chronic hepatitis C  
 17 infection is a carcinogen is a stronger  
 18 conclusion than IARC has put forth regarding  
 19 glyphosate and carcinogenicity findings in  
 20 humans?  
 21 MS. FORGIE: Objection.  
 22 THE WITNESS: Yes, they said  
 23 HCV's a Group 1 and glyphosate is a  
 24 Group 2A.  
 25 ///

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1 BY MS. DU PONT:  
 2 Q. And IARC has noted, with respect to  
 3 glyphosate, that there is limited evidence  
 4 of carcinogenicity in humans; correct?  
 5 A. Yes.  
 6 Q. And that's a lower standard than  
 7 what they found here, which is sufficient  
 8 evidence in humans with HCV infection and  
 9 non-Hodgkin's lymphoma; correct?  
 10 A. Correct.  
 11 MS. DU PONT: We can take a  
 12 break now.  
 13 MS. FORGIE: Thank you.  
 14 THE VIDEOGRAPHER: The time is  
 15 9:30 a.m., and we are off the record.  
 16 (Recess taken from 9:31 a.m.  
 17 to 9:41 a.m.)  
 18 THE VIDEOGRAPHER: The time is  
 19 now 9:41 a.m., and we are back on the  
 20 record.  
 21 BY MS. DU PONT:  
 22 



1 BY MS. DU PONT:  
2

[Redacted text block for Page 62]

1 [Redacted text block for Page 64]  
2 [Redacted text block for Page 64]

1 is [Redacted text block for Page 63]

1 [Redacted text block for Page 65]

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1 [REDACTED]

2 THE WITNESS: It's not really

3 clear to me what they're trying to say.

4 Are they trying to say that one is

5 better than the other? It's clear that

6 the viral RNA is a better test than the

7 other, based on the other studies that I

8 cite.

9 So it just depends on your

10 methodology and what -- in some studies,

11 how much money you have to do the

12 testing.

13 So you have to make -- you have

14 to make decisions based on a variety of

15 parameters. They could have done a

16 meta-analysis on the smaller group that

17 just had the RNA. And they could have

18 done that. They didn't do it.

19 BY MS. DU PONT:

20 Q. So the authors actually looked at

21 whether or not just having the HCV RNA

22 findings impacted the results.

23 I'll refer you to page 2083, the

24 last paragraph on the right-hand column.

25 The authors state, "Another possible

Page 67

1 source" -- do you see where I'm reading

2 from?

3 A. 2083 where?

4 Q. The last paragraph.

5 A. Yeah, okay.

6 Q. "Another possible source of

7 heterogeneity between studies could be the

8 definition of HCV infection that was not

9 consistent across studies or different

10 illicit generations used."

11 Then they note that some studies --

12 they basically say various studies are

13 defining HCV positivity differently.

14 They note that when only studies

15 using third-generation ELISA were included,

16 the pooled relative risk was 2.5, suggesting

17 that the HCV definition and ELISA generation

18 neither explained the heterogeneity between

19 studies nor adduced substantial bias; right?

20 A. I don't know. I'd have to reread

21 this again.

22 Q. Basically when they tried to --

23 when they did further analysis and

24 controlled for the different types of

25 studies, they didn't see inconsistent

Page 68

1 results when they were only looking at

2 sub-groups within their meta-analysis;

3 correct?

4 MS. FORGIE: Wait. Objection.

5 Asked and answered. You just asked that

6 question.

7 You can answer it again.

8 THE WITNESS: So I'd like to

9 read the paragraph.

10 BY MS. DU PONT:

11 Q. Okay.

12 A. I have to read it to understand it.

13 MS. FORGIE: You can read as

14 much as you need. You can read the

15 whole study if you need to.

16 THE WITNESS: So what they're

17 saying is that they had substantially

18 the same finding, whether they looked at

19 just the antibody or they looked at just

20 the RNA.

21 BY MS. DU PONT:

22 Q. Right.

23 A. But they didn't do the critical

24 thing and look at the risk for those that

25 had the antibody but didn't have the RNA.

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1 Okay?

2 So you would expect that both risk

3 ratios would be increased because a subset

4 of those with the antibody, maybe a

5 substantial subset, have the RNA. Okay?

6 So this doesn't really address the

7 question that's posed in some of the other

8 studies. Okay?

9 Q. Okay.

10 A. It's saying you can measure both,

11 and you'll pretty much find the same thing

12 because everybody -- because many people who

13 have the antibody also have the DNA -- or

14 the RNA.

15 So it doesn't really -- it doesn't

16 really -- they could have done this. They

17 could have taken the cases that had just the

18 antibody and didn't have the RNA and they

19 probably would have found what the other

20 papers I cite found, that the people with

21 just the antibody do not have an elevated

22 risk.

23 Q. Okay. You can put that aside.

24 Now, you also cite an article by

25 Mahale entitled, "The Effect of Sustained

Page 70

1 Virological Response on the Risk of  
 2 Extrahepatic Manifestations of Hepatitis C  
 3 Virus Infection."  
 4 A. In my report?  
 5 Q. In your supplemental list.  
 6 A. Okay.  
 7 MS. FORGIE: Is this 10?  
 8 MS. DU PONT: Yes, sorry. This  
 9 is Exhibit 10.  
 10 (Exhibit Number 10 was marked  
 11 for identification.)  
 12 BY MS. DU PONT:  
 13 Q. And this was included on your  
 14 supplemental list. Now, do you know if you  
 15 had reviewed this article prior to drafting  
 16 your report or after you had drafted your  
 17 report?  
 18 A. I don't know. I don't remember.  
 19 Q. Okay. And the results of this  
 20 paper in the conclusions on the second page,  
 21 they say, "Risks of several extrahepatic  
 22 manifestations of HCV infection are reduced  
 23 after antiviral therapy with sustained viral  
 24 response" -- sorry, "sustained virological  
 25 response. However, early initiation of

Page 71

1 anti-viral therapy may be required to reduce  
 2 the risk of glomerulonephritis,  
 3 non-Hodgkin's lymphoma, and stroke."  
 4 Do you see that?  
 5 A. Yes.  
 6 Q. And if we take a look at Figure 2  
 7 on page 16, the authors are looking at  
 8 several of what they call extrahepatic  
 9 manifestations, one of which is not  
 10 non-Hodgkin's lymphoma; right?  
 11 A. Right.  
 12 Q. What Figure 2D, which is referring  
 13 to non-Hodgkin's lymphoma, is showing, is  
 14 that over time, the longer you go without  
 15 anti-viral treatment, there is no reduction  
 16 in your risk of non-Hodgkin's lymphoma  
 17 because of that treatment; correct?  
 18 MS. FORGIE: Objection.  
 19 THE WITNESS: Well, what they  
 20 showed is that the most effective time  
 21 to institute therapy is shortly after  
 22 the diagnosis. Then you see actually a  
 23 decrease in risk.  
 24 BY MS. DU PONT:  
 25 [REDACTED]

Page 72

1 [REDACTED]  
 2 [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 [REDACTED]  
 11 [REDACTED]  
 12 [REDACTED]  
 13 [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED]  
 24 [REDACTED]  
 25 [REDACTED]

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1 [REDACTED]  
 2 [REDACTED]  
 3 MS. FORGIE: Objection.  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 [REDACTED]  
 11 [REDACTED]  
 12 [REDACTED]  
 13 [REDACTED]  
 14 [REDACTED]  
 15 MS. FORGIE: Objection.  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED]  
 24 [REDACTED]  
 25 [REDACTED]

Page 74

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Page 76

1 [REDACTED]

2 BY MS. DU PONT:

3 Q. And in your report, you note that

4 the hepatitis B virus increases the risk of

5 non-Hodgkin's lymphoma by approximately

6 twofold; right?

7 A. Right.

8 Q. And you cite some articles to

9 support that in your report?

10 A. Correct.

11 Q. And are you aware that the

12 International Agency For Research on Cancer

13 has looked at the hepatitis B virus and

14 whether or not it is a human carcinogen for

15 non-Hodgkin's lymphoma?

16 Are you aware of that?

17 A. I know they looked at it for a

18 cellular carcinoma, but I don't believe

19 they've looked at it for non-Hodgkin's

20 lymphoma.

21 Q. Okay.

22 A. I think they actually do mention in

23 their conclusions that there were some

24 studies that showed increased risk for

25 non-Hodgkin's lymphoma, but they didn't --

75

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Page 77

1 the firm conclusion was really about

2 hepatocellular carcinoma.

3 Q. They also noted positive

4 association between chronic infection with

5 HPV and non-Hodgkin's lymphoma; fair?

6 A. Yes, they did.

7 Q. And they classify hepatitis B as a

8 Class 1 human carcinogen; correct?

9 A. Yes.

10 MS. FORGIE: Objection.

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Page 78	Page 80
Page 79	Page 81



Page 82

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

Page 84

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

Page 83

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

Page 85

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 BY MS. DU PONT:

22 Q. And you corrected your report

23 earlier, and I think it's based on a

24 Castillo study, but I need to take a break

25 because I have no more exhibit stickers.

1 So can we go off the record for a  
 2 second?  
 3 (Discussion off the record.)  
 4 THE VIDEOGRAPHER: The time is  
 5 now 10:15 a.m., and we are off the  
 6 record.  
 7 (Recess taken from 10:15 a.m.  
 8 to 10:29 a.m.)  
 9 THE VIDEOGRAPHER: The time is  
 10 now 10:29 a.m., and we're back on the  
 11 record.  
 12 BY MS. DU PONT:

13 Q. [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED]  
 24 [REDACTED]  
 25 ///

1 The abstract, I think, is --  
 2 Q. It flips them in the abstract.  
 3 A. It flips them in the abstract; so  
 4 that's an error. There's an error  
 5 somewhere, and we don't really know for sure  
 6 where the error is.  
 7 Q. So are these based on Table 3, the  
 8 relative risk -- the unadjusted relative  
 9 risk for males that are overweight with  
 10 diffuse large B-cell lymphoma is 1.27 and  
 11 the adjusted relative risk is actually 1.34;  
 12 correct?  
 13 A. Yes.  
 14 Q. And explain to me why you are  
 15 relying on the unadjusted number and not the  
 16 adjusted number.  
 17 A. I could have relied on either one.  
 18 It doesn't truly matter to me.  
 19 Q. Okay. And elsewhere, in this  
 20 paper, it notes that the relative risks of  
 21 diffuse large B-cell lymphoma in obese men  
 22 and women was 1.4 and 1.34, respectively.  
 23 That's in the abstract.  
 24 Do you see that?  
 25 A. It says, "The relative risk of

1 (Exhibit Number 11 was marked  
 2 [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 Q. And can you just refer me to the  
 10 number that you are correct -- where in this  
 11 article you've gotten the new number that  
 12 you've corrected in your report?  
 13 A. Yeah, it's page 126, Table 3, which  
 14 is the table on overweight. If you go down  
 15 on the second column, about the middle, it  
 16 says, "Male," and then you go across, it's  
 17 1.27. With odds ratio -- 1.27 with a  
 18 95 percent confidence interval load of 1.09  
 19 to 1.47.  
 20 That's what I was quoting.  
 21 Actually, the paper confuses the odds  
 22 ratios. In some places, it reverses them.  
 23 So it's hard to know what to rely on.  
 24 But I think this agreed with the  
 25 text so that's, in the end, what I used.

1 diffuse large B-cell lymphoma in overweight  
 2 men and women was 1.22 and 1.27,  
 3 respectively."  
 4 The number for men is wrong.  
 5 Q. Right.  
 6 A. So they just flipped those two, I  
 7 think, is what they did.  
 8 Q. But I'm actually referring to later  
 9 in the text where they're talking about  
 10 obese men and women with diffuse large  
 11 B-cell lymphoma, and they report relative  
 12 risks of 1.4 and 1.34 in the abstract.  
 13 Do you see that?  
 14 A. Yes, yes. They didn't report the  
 15 adjusted odds ratios either in the abstract.  
 16 Q. Right. So the -- and in Table 4,  
 17 the relative risk for obese -- this is on  
 18 page 127, "The relative risk for obesity and  
 19 diffuse large B-cell lymphoma in males is  
 20 1.4"; correct?  
 21 A. Yes.  
 22 Q. Okay. You can set that aside.  
 23 We talked at your deposition the  
 24 other day about how age is a risk factor for  
 25 non-Hodgkin's lymphoma.

1 Do you remember that?  
 2 A. Yes.  
 3 Q. And you stand by the fact that age  
 4 is a risk factor for non-Hodgkin's lymphoma?  
 5 A. Yes.  
 6 Q. And you -- let me withdraw that.  
 7 You agree that diffuse large B  
 8 cells is most common in patients over 60?  
 9 A. Yes.  
 10 Q. And that cancer, in general, is a  
 11 function of age; right?  
 12 A. Most cancers.  
 13 Q. But with respect to diffuse large  
 14 B-cell lymphoma, that particular cancer is a  
 15 function of age?  
 16 MS. FORGIE: Objection. Asked  
 17 and answered.  
 18 THE WITNESS: Yes.  
 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED]  
 24 [REDACTED]  
 25 [REDACTED]

1 MS. FORGIE: Objection.  
 2 [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 [REDACTED]  
 11 [REDACTED]  
 12 [REDACTED]  
 13 [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 Q. And we know that males are more  
 24 likely to develop non-Hodgkin's lymphoma  
 25 than females; correct?

1 A. Yes.  
 2 Q. But, again, we don't really know  
 3 why it is that men are more likely to  
 4 develop non-Hodgkin's lymphoma than women;  
 5 correct?  
 6 MS. FORGIE: Objection.  
 7 THE WITNESS: Correct.  
 8 [REDACTED]  
 9 [REDACTED]  
 10 [REDACTED]  
 11 [REDACTED]  
 12 [REDACTED]  
 13 MS. FORGIE: Objection.  
 14 [REDACTED]  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
 19 BY MS. DU PONT:  
 20 Q. We can't control some causative  
 21 risk factors either, can we?  
 22 MS. FORGIE: Objection.  
 23 THE WITNESS: We can control  
 24 some.  
 25 [REDACTED]

1 Q. [REDACTED]  
 2 [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 [REDACTED]  
 11 [REDACTED]  
 12 [REDACTED]  
 13 [REDACTED]  
 14 [REDACTED]  
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 16 [REDACTED]  
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 25 [REDACTED]

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8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]

16 MS. FORGIE: Objection. Even  
17 though you phrased it as hard, it's a  
18 general causation.

19 THE WITNESS: It's a study  
20 of -- I'm trying to remember, skin,  
21 tumors in mice, where they initiated the  
22 tumors with a chemical other than  
23 glyphosate and then they introduced  
24 glyphosate. So there's one study that  
25 suggests glyphosate is a promoter.

1 BY MS. DU PONT:

2 Q. Sitting here today, other than that  
3 one study, you cannot reference for me an  
4 additional study that suggests that  
5 glyphosate is a promoter; correct?

6 MS. FORGIE: Objection.  
7 General causation.

8 THE WITNESS: No, but there are  
9 many studies that have now demonstrated  
10 that glyphosate or Roundup are genotoxic  
11 agents and so certainly has the  
12 potential to be an initiator or a  
13 promoter, or both.

14 BY MS. DU PONT:

15 Q. But because something is genotoxic,  
16 that suggests it is causing DNA damage;  
17 correct?

18 MS. FORGIE: Objection.  
19 Causation.

20 THE WITNESS: Right.

21 BY MS. DU PONT:

22 Q. And that's different from  
23 promotion; correct?

24 MS. FORGIE: Objection.  
25 General causation.

1 THE WITNESS: Well, promotion  
2 is just what happens after initiation to  
3 make the cell move to become a true  
4 cancer cell, and that could be things  
5 that initiate proliferation, genetic  
6 events that prevent the cell from dying,  
7 or additional genotoxic events that give  
8 additional mutations that eventually  
9 move the cell along to becoming a cancer  
10 cell.

11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]

16 MS. FORGIE: Objection. Asked  
17 and answered.

18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

25 ///





1 [REDACTED]  
 2 [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 [REDACTED]  
 11 [REDACTED]  
 12 [REDACTED]  
 13 [REDACTED]  
 14 MS. DU PONT: Objection.  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED]  
 24 [REDACTED]  
 25 [REDACTED]

1 [REDACTED]  
 2 [REDACTED]  
 3 [REDACTED]  
 4 Q. Do you consider yourself an expert  
 5 in the causes of non-Hodgkin's lymphoma?  
 6 A. Yes.  
 7 Q. In fact, you've published over 50  
 8 papers in peer-reviewed journals about the  
 9 causes of non-Hodgkin's lymphoma; correct?  
 10 A. Yes.  
 11 MS. DU PONT: Objection. Form.  
 12 [REDACTED]  
 13 [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
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 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 MS. DU PONT: Objection. Form.  
 11 [REDACTED]  
 12 [REDACTED]  
 13 [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
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 25 [REDACTED]

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 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED]  
 24 [REDACTED]  
 25 [REDACTED]



Page 110

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 MS. DU PONT: Objection. Form.

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

Page 112

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 MS. DU PONT: Object to form.

Page 111

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 MS. FORGIE: That's all I have.

2 MS. DU PONT: Just give me one

3 minute.

4 THE VIDEOGRAPHER: The time is

5 now 10:55 a.m., and we are off the

6 record.

7 (Recess taken from 10:55 a.m.

8 to 10:57 a.m.)

9 THE VIDEOGRAPHER: The time is

10 now 10:57 a.m., and we are back on the

11 record.

12

13 FURTHER EXAMINATION

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Page 114

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 MS. DU PONT: Okay. I have no

21 further questions.

22 MS. FORGIE: Nothing else.

23 THE VIDEOGRAPHER: The time is

24 now 10:58 a.m., and we are off the

25 record.

Page 115

1 (Whereupon the deposition

2 concluded at 10:58 a.m.)

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1 REPORTER'S CERTIFICATE

2

3 The undersigned Certified Shorthand

4 Reporter licensed in the State of California

5 does hereby certify:

6 That the foregoing deposition was

7 taken before me at the time and place

8 therein set forth, at which time the witness

9 was duly sworn by me;

10 That the testimony of the witness

11 and all objections made at the time of the

12 examination were recorded stenographically

13 by me and were thereafter transcribed, said

14 transcript being a true copy of my shorthand

15 notes thereof.

16 I further declare that I have no

17 interest in the outcome of the action.

18 In witness whereof, I have

19 subscribed my name this 20th day of

20 December, 2018.

21

22

23 \_\_\_\_\_

24 LISA MOSKOWITZ

25 CSR 10816, RPR, CRR, CLR  
NCRA Realtime Systems Administrator

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1 INSTRUCTIONS TO WITNESS

2

3 Please read your deposition over

4 carefully and make necessary corrections.

5 You should state the reason in the

6 appropriate space on the errata sheet for

7 any corrections that are made.

8 After doing so, please sign the

9 errata sheet and date it.

10 You are signing same subject to the

11 changes you have noted on the errata sheet,

12 which will be attached to your deposition.

13 It is imperative that you return

14 the original errata sheet to the deposing

15 attorney within thirty (30) days of receipt

16 of the deposition transcript by you. If you

17 fail to do so, the deposition transcript may

18 be deemed to be accurate and may be used in

19 court.

20

21

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23

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Page 118

**ERRATA SHEET**  
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1	
2	
3	
4	<b>PAGE LINE CHANGE</b>
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6	<b>REASON:</b> _____
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1		<b>LAWYER'S NOTES</b>	
2	<b>PAGE</b>	<b>LINE</b>	
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**ACKNOWLEDGMENT OF DEPONENT**

1 I, DENNIS WEISENBURGER, M.D., do  
 2  
 3  
 4 hereby certify that I have read the  
 5 foregoing pages, 1-119, and that the same is  
 6 a correct transcription of the answers given  
 7 by me to the questions therein propounded,  
 8 except for the corrections or changes in  
 9 form or substance, if any, noted in the  
 10 attached Errata Sheet.  
 11  
 12

13 \_\_\_\_\_  
 DENNIS WEISENBURGER, M.D. DATE  
 14  
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**LAWYER'S NOTES**

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