

# **EXHIBIT 9**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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IN RE: ROUNDUP PRODUCTS ) MDL No. 2741  
LIABILITY LITIGATION )  
 ) Case No.  
 )  
 ) 16-md-02741-VC  
THIS DOCUMENT RELATES TO ALL )  
CASES )  
 )

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF MARK A. MARTENS, Ph.D.

WASHINGTON, D.C.

FRIDAY, APRIL 7, 2017

9:23 A.M.

Reported by: Leslie A. Todd

1 Q Okay. And those --

2 MR. GRIFFIS: Excuse me. Objection. Two  
3 of those are non-recommendations.

4 MS. WAGSTAFF: Okay.

5 MR. GRIFFIS: G and H.

6 BY MS. WAGSTAFF:

7 Q So he gives you a handful of  
8 recommendations of actions to take to answer those  
9 questions, correct?

10 A Well, there are a couple of points  
11 whereby he does not recommend something.

12 Q Okay.

13 A Yeah.

14 Q So that's I think what your counsel was  
15 just saying is that -- so let's make this a little  
16 bit cleaner.

17 Dr. Parry gave a list of eight questions  
18 that were left unanswered, correct?

19 A That he would like to see answered, yes.

20 Q Okay. And as a scientist, you would have  
21 liked to see those answered as well, correct?

22 A These were genuine questions, yes.

23 Q Yeah. Good questions, right?

24 A These were good questions, yes.

25 Q Okay. And he provided with a list of

1 actions that Monsanto could take to answer those  
2 questions, correct?

3 A Yes.

4 Q Okay. And we've gone over a few of  
5 those.

6 So then Dr. Parry says at the very end of  
7 his recommendations: "My overall view is that if  
8 there is -- my overall view is that if the reported  
9 genotoxicity of glyphosate and glyphosate  
10 formulations can be shown to be due to the production  
11 of oxidative damage, then a case could be made that  
12 any genetic damage would be threshold."

13 Did I read that correctly?

14 A You read it, yes.

15 Q Okay. "Such genetic damage would only be  
16 biologically relevant under conditions of compromised  
17 anti -- antioxidant status. If such an oxidative  
18 damage mechanism is proved, then it may be necessary  
19 to consider the possibility of the susceptible groups  
20 within the human population."

21 Did I read that correctly?

22 A You read that correctly, yes.

23 Q Okay. So there is an expert telling  
24 Monsanto in 1999 to do tests that may affect the  
25 human population, correct?

1 MR. GRIFFIS: Objection.

2 Mischaracterizes the document.

3 THE WITNESS: This is a little bit an  
4 expanded conclusion. You know, he is more or less  
5 asking himself the question. If that might be true,  
6 then there may be susceptible groups in a population  
7 that might be more susceptible in producing an  
8 effect. But he forgets to say those effects have  
9 been, you know, obtained through intraperitoneal  
10 injection, whereas the human exposure is not via  
11 intraperitoneal injection. And that's a very  
12 important nuance.

13 BY MS. WAGSTAFF:

14 Q So I don't -- how do you know he forgot  
15 to say that?

16 A I don't know why he didn't point it out.  
17 That's why --

18 Q But he didn't point it out, did he?

19 A Intra -- well, that is limited to  
20 intraperitoneal injection. Not sufficiently --

21 Q So you may -- you may not agree with  
22 what Dr. Parry wrote, but I'm not asking you to  
23 rewrite his report.

24 I'm asking you in 1999, Dr. Parry wrote  
25 to Monsanto and -- and did an analysis, gave

1 questions unanswered, right?

2 A Yes.

3 Q Proposed actions that could be taken,  
4 right?

5 A Yes.

6 Q And then stated that the over -- his  
7 overall view is that these tests and answers need to  
8 be taken, right?

9 A Yes.

10 Q And then you need to figure out what --  
11 what group within the human population may be  
12 affected, correct?

13 MR. GRIFFIS: Objection. It doesn't say  
14 that.

15 THE WITNESS: That -- that is what he  
16 said.

17 MS. WAGSTAFF: Okay.

18 THE WITNESS: But I don't agree with what  
19 he said because --

20 BY MS. WAGSTAFF:

21 Q That's -- you can -- that's fine if you  
22 don't agree with what he said. I'm just -- that's  
23 what he told Monsanto, correct?

24 A That's what he told Monsanto, yes.

25 Q Okay. All right. I have -- we're done