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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: ROUNDUP PRODUCTS) MDL No. 02741
LIABILITY LITIGATION)
)
)
THIS DOCUMENT RELATES TO:)
)
ALL ACTIONS)
_____) Hon. Vince Chhabria

VIDEO DEPOSITION OF HUGH GRANT

February 4, 2019

12:06 p.m.

CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER

Reporter: John Arndt, CSR, CCR, RDR, CRR
CSR No. 084-004605
CCR No. 1186

1 DEPOSITION OF HUGH GRANT produced, sworn,
and examined on February 4, 2019, at Husch Blackwell,
2 190 Carondelet Plaza, Suite 600, in the City of St.
Louis, State of Missouri, before John Arndt, a
3 Certified Shorthand Reporter and Certified Court
Reporter.

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1 THE VIDEOGRAPHER: We are now on the
2 record. My name is Jacob Arndt. I am a videographer
3 for Golkow Litigation Services.

4 Today's date is February 4th, 2019, and
5 the time is 12:06 PM. This video deposition is being
6 held in St. Louis, Missouri, In Re Roundup Products
7 Liability Litigation, for the United States District
8 Court for the Northern District of California, San
9 Francisco Division. The deponent is Hugh Grant.

10 Will counsel please identify themselves?

11 MR. MILLER: Yes. Michael Miller with
12 Brent Wisner and Nancy Miller, counsel for plaintiffs.

13 MR. TANGRI: Ragesh Tangri for the
14 witness.

15 MR. LOMBARDI: George Lombardi for
16 Monsanto.

17 MR. PARISER: Daniel Pariser for Monsanto.

18 THE WITNESS: Hugh Grant.

19 THE VIDEOGRAPHER: Thank you. The
20 court -- oh, sorry.

21 MR. WISNER: And appearing by phone is
22 Jerry Kristal from Weitz Luxenberg. Counsel -- oh, I'm
23 sorry.

24 MR. LOMBARDI: Just one housekeeping thing

1 just to, I think, make it easier. If -- can we have an
2 agreement that an objection by one of the parties on
3 this side of the table stands for all?

4 MR. MILLER: George, that's absolutely
5 agreed.

6 THE VIDEOGRAPHER: The court reporter is
7 John Arndt and will now swear in the witness.

8
9 The witness, HUGH GRANT, first having been duly
10 sworn, testified as follows:

11 QUESTIONS BY MR. MILLER:

12 Q. Good afternoon, Mr. Grant.

13 A. Good afternoon, sir.

14 Q. How are you, sir?

15 A. I'm very well.

16 Q. Very good. Now, you'll have to keep your
17 voice up so we can all hear you on the video that we're
18 making. You realize that we're recording this, right,
19 sir?

20 A. I do.

21 Q. And you realize it's a deposition?

22 A. I do.

23 Q. Right? And I will ask questions, and if
24 at any time you don't understand them, will you let me

1 know?

2 A. Fair enough. I will.

3 Q. So if you answer, I'll assume you
4 understood it and answered it truthfully and fully; is
5 that fair?

6 A. That's fair.

7 Q. Now, you used to work for the Monsanto
8 Corporation?

9 A. I did.

10 Q. And tell us what -- you were the chief
11 executive officer and a member of the board of
12 directors?

13 A. I was chief executive officer and chairman
14 of the board.

15 Q. And I'm sorry?

16 A. And chairman of the board.

17 Q. I see. And chairman of the board.
18 And when did you stop holding those
19 positions?

20 A. When the deal was finally consummated with
21 the Bayer company in Germany in June of 2018.

22 Q. So in some fashion, the Monsanto
23 corporation was sold to Bayer corporation; is that
24 fair?

1 A. That's correct.

2 Q. And when the company was sold and the deal
3 was consummated, you resigned?

4 A. That's correct.

5 Q. And so you were the chairman of the board
6 and the chief executive officer. Chief executive
7 officer is the person in charge of the corporation
8 operations on a day-to-day basis; is that fair?

9 A. Yeah -- not just day-to-day. The chief
10 operating officer is really working day-to-day, but I
11 was responsible for the operations and the long range
12 business as well.

13 Q. Sure. And when did you first reach that
14 title of chief executive officer and chairman of the
15 board?

16 A. I first reached -- I first was appointed
17 in 2003.

18 Q. Can't hear you.

19 A. 2003.

20 Q. Okay. 2003. All right, sir. And so from
21 2003 until your retirement in June of 2018, you
22 remained chief executive officer and chairman of the
23 board?

24 A. That's correct.

1 Q. And this is a worldwide company, Monsanto;
2 right?

3 A. Yeah, we were most -- yes, we were most
4 places agriculture was, so we operated around the
5 world.

6 Q. And we're looking at about 23,000
7 employees?

8 A. That's correct.

9 Q. And one of the primary products for
10 Monsanto is Roundup?

11 A. Yes.

12 Q. And Roundup, we can agree -- it's a
13 herbicide which is within the larger category of
14 pesticides; right?

15 A. That's correct.

16 Q. And you've been with the company even
17 longer -- in 2003 you became the chief executive
18 officer. When did you first start with Monsanto?

19 A. I first started in the summer of 1981.

20 Q. Wow.

21 A. It was a long time ago.

22 Q. Now, you have a nice accent. You're from
23 Scotland originally?

24 A. Originally from Scotland. I've lived and

1 worked around the world, and I'm now an American
2 citizen.

3 Q. Oh, very good. Congratulations.

4 A. Thank you.

5 Q. And when did you first move to America?

6 A. I first moved in the early 1990s, I think.
7 Stayed briefly, and then I spent a spell in Asia and
8 then came back to America in 1998, so I've been in the
9 U.S. for -- since -- yeah, since 1998, so my kids grew
10 up here.

11 Q. Sure. And during that --

12 A. Actually, actually, St. Louis. So this
13 has been my home for 20 years.

14 Q. Oh, well, great. Great. So the -- since
15 1981, you've been a full-time employee, until your
16 retirement in 2018, of the Monsanto Company. Would
17 that be fair?

18 A. That's correct.

19 We -- during that period, the company went
20 through a major change with -- so the name was
21 maintained as Monsanto but we went through an IPO and a
22 spinout, where we became a new company, coincidentally
23 still called Monsanto, but we were focused in that --
24 since about 2000, I think we've been focused in the

1 last 20 years exclusively in agriculture. Before that
2 was pharmaceuticals and plastics and other things.

3 Q. Prior to the new formation, PCB was one of
4 the products of the old Monsanto; right?

5 A. That's correct.

6 Q. And in the new corporation, since 2000,
7 your company has many products?

8 A. Since the new com -- yeah, that's correct.

9 Q. I mean, you have many products that are
10 available for sale?

11 A. That's true. The main products since the
12 IPO -- since the new company was formed, the new
13 products are seed. So corn, soybeans, cotton, and a
14 whole range of vegetable products as well. So we
15 became -- we really became a seed company.

16 Q. And the seeds -- many of them are what is
17 called Roundup Ready; right?

18 A. The vegetables are, but the corn, soy,
19 canola, and cotton have -- we sell conventional seed,
20 but you're right. The majority of those lines have the
21 Roundup Ready gene in them as well.

22 Q. And when we say Roundup Ready gene, for us
23 laypeople what we mean is you can spray Roundup on that
24 corn if it's Roundup Ready and the Roundup won't kill

1 the corn but it will kill the plants that you want to
2 kill?

3 Is that generally a fair statement?

4 A. Yeah, it will kill the weeds. And it
5 unlocks growth in the corn, so it was -- for growers it
6 was a big change, because before that they were
7 cultivating between the rows or they were spraying but
8 they were limited in what and when they could spray.

9 So yeah, it was a huge breakthrough.

10 Q. And when I was an agricultural student at
11 the University of Maryland 50 years ago, we called a
12 weed a plant that was out of place.

13 Is that fair?

14 A. Yeah, that's a good description. The
15 French call them mauvais herbe, which is naughty plant.

16 Q. Right, naughty plants. Right.

17 A. So your description was similar to the
18 French one.

19 Q. All right. Fair. Okay.

20 Now, as the chief executive officer for 15
21 years of this company, Monsanto, you and I can agree
22 that if a company knew about a potential health risk of
23 a product that it was selling, it would have an
24 obligation to warn consumers?

1 That's fair, isn't it?

2 MR. TANGRI: Objection. Ambiguous.
3 Incomplete hypothetical.

4 A. Yes, it's hard to speculate -- what I can
5 tell you is that -- and it's not unique to Monsanto.
6 It's not unique to our products. We operate in a
7 regulatory environment where during that 15-year period
8 there -- in fact, I mean, when you think about it, for
9 40 years, these products were constantly -- somewhere
10 in the world, were constantly under regulatory
11 scrutiny. So it really would be the conclusion of the
12 regulatory groups with the safety of the product.

13 MR. MILLER: Well, let me move to strike
14 that answer as nonresponsive, and let me focus again on
15 my question.

16 A. Okay.

17 BY MR. MILLER:

18 Q. Forget about regulators.

19 A. Forget --

20 Q. I'm talking about a company.

21 A. Okay.

22 Q. The company's responsibility. Do you
23 believe or not that a company who's selling a product,
24 if they know about a risk of a product, that they ought

1 to warn consumers about that risk?

2 MR. TANGRI: Objection. Ambiguous.
3 Incomplete hypothetical. Calls for speculation.

4 A. Yeah, it's -- the acid test in this --

5 BY MR. MILLER:

6 Q. I can't hear you.

7 A. I'm sorry. The acid test in this, the key
8 determinant in this is not just the company but the
9 regulatory authorities that are overseeing that work.
10 So safety is determined by the -- you mentioned we
11 operate around the world.

12 In those jurisdictions around the world,
13 there are regulatory authorities that are constantly
14 looking at safety. So if there was any concern from
15 regulators, that would automatically be a communication
16 between us and our users.

17 Q. Sounds like, Mr. Grant, your answer is
18 that if the regulators don't make us do it, we're not
19 going to do it. Even if we know our product causes
20 harm, we're not going to warn consumers unless the
21 regulators make us do it.

22 Is that what I understand?

23 MR. TANGRI: Objection. Mischaracterizes
24 prior testimony. Assumes facts not in evidence.

1 Argumentative, and calls for speculation. Incomplete
2 hypothetical.

3 A. That was absolutely not my intent in my
4 communication.

5 My intent in what I was trying to lay out
6 to you, sir, is that a company can take a position, but
7 the reality is, the higher order in this is the
8 regulators there, and they're not working to a minimum.
9 They're working a very significant standard of safety
10 because it's their responsibility to look to the safety
11 of their communities that they represent.

12 So I was trying to suggest to you that
13 it's not simply a company's responsibility. It goes
14 much higher than that. This is overseen by a
15 government.

16 BY MR. MILLER:

17 Q. Do you understand in America it is the
18 responsibility of the company to warn of the known risk
19 of its product and not merely something they can rely
20 upon a governmental agency to do?

21 Do you understand that, sir?

22 MR. TANGRI: Objection. Calls for expert
23 opinion. Calls for a legal conclusion. Incomplete
24 hypothetical and calls for speculation.

1 A. Yeah, I'm outnumbered in a room by lawyers
2 today, sir. So I'm not a regulatory lawyer, nor am I a
3 toxicologist.

4 The point that I'm trying to make to you
5 is that I'm not shirking the responsibility in the
6 individual company. I see in my experience living and
7 working around the world, there is a higher order there
8 as well, and the higher order is an independent review
9 of safety with data that's supplied by the company and
10 others.

11 There's an independent review there which
12 determines completely independently what safety is, and
13 also, because it's a constant, ever-growing process,
14 what additional work is required. That's how this has
15 worked for the last four decades.

16 BY MR. MILLER:

17 Q. Mr. Grant, at no time during the fifteen
18 years you were the chief executive officer at Monsanto
19 did Monsanto attempt to put a warning label warning
20 consumers about the risk of cancer from Roundup?

21 That is true, isn't it, sir?

22 MR. TANGRI: Objection. Assumes facts not
23 in evidence.

24 A. I -- to the best of my knowledge, that has

1 never occurred.

2 BY MR. MILLER:

3 Q. And one of the reasons it's never occurred
4 is Monsanto takes the position that Roundup simply does
5 not cause cancer; right?

6 A. This goes to your earlier question, sir.
7 It's our conclusion that Roundup does not cause cancer.
8 But more importantly, in the regulatory jurisdictions
9 around the world, in the U.S., in Canada, in Japan, in
10 Europe, with the German rapporteurs, it has been their
11 conclusion for the last 40 years, and that's the point
12 I was trying to make earlier.

13 It's -- this is a conclusion that's
14 validated by scientific evaluation, so we're a
15 science-based company, and the regulators are looking
16 at the science at that time, and that is their
17 conclusion also.

18 Q. You understand as we sit here today, the
19 scientific people in the fifth largest economy in the
20 world, in California, have determined that
21 Roundup-based formulas are a known cause of
22 non-Hodgkin's lymphoma?

23 You're aware of that, aren't you, sir?

24 MR. TANGRI: Objection. Assumes facts not

1 in evidence. Mischaracterizes the record.

2 A. I am aware of the ongoing litigation, but
3 the conclusion is at variance with the regulatory
4 authorities around the world, and it would be at
5 variance with the conclusion from Monsanto scientists
6 as well.

7 BY MR. MILLER:

8 Q. Now, when you say regulators around the
9 world -- you've got a lot of influence? You, Hugh
10 Grant, have had many years of influence over the
11 regulators around the world, haven't you, Mr. Grant?

12 A. I have no influence over regulators around
13 the world.

14 Q. We'll take a look at that in more detail
15 in a minute. Let me ask you this, sir.

16 Mr. Grant, a flip side -- if in fact you
17 believed after looking at the science that oh, it looks
18 like Roundup does double the risk of someone getting
19 non-Hodgkin's lymphoma, would you then if you believe
20 that -- I mean, you're a family man, you have family in
21 the St. Louis area. If you believed that Roundup was
22 being sprayed in St. Louis and doubling the risk of the
23 children in St. Louis and the adults in St. Louis of
24 getting non-Hodgkin's lymphoma, would you put a warning

1 for that risk on the label?

2 MR. TANGRI: Objection. Incomplete
3 hypothetical. Calls for expert opinion.

4 A. It's -- now we've left the world of
5 science. As a science-based company, if that was the
6 scientific conclusion, then of course we would do it.
7 But you've speculated, and that is not -- that is
8 actually the complete opposite.

9 So for me, as you say, a family man and
10 for me as somebody who's worked at -- or did work at
11 Monsanto for nearly 40 years, that's never been --
12 that's never been a conclusion, and regulators have
13 vouched for the safety of the product.

14 BY MR. MILLER:

15 Q. Well, we'll get a chance to look at what
16 regulators are doing, sir. Did you obtain shares in
17 Bayer corporation in the sale of Monsanto?

18 A. I'm sorry. Could you repeat that?

19 Q. Do you have shares in the Bayer
20 corporation that now owns Monsanto?

21 A. I have no shares in the Bayer Corporation.

22 Q. Have you sold all of your Monsanto shares
23 when the corporation was sold, when Monsanto was sold
24 to Bayer?

1 A. Yeah, there was no way of holding them
2 because the company no longer existed and it was a cash
3 deal, so the -- for all shareholders of record, on the
4 day the transaction occurred, the slate was cleaned,
5 so -- but I'm not a shareholder in Bayer.

6 Q. And you met with high-ranking officers,
7 including the chief executive of Bayer, in the process
8 of selling Monsanto to Bayer; that's fair, isn't it?

9 A. I did. Yeah, I was responsible for
10 negotiating the front end of the deal.

11 Q. And did the subject come up during those
12 negotiations of the litigation in America where there
13 were non-Hodgkin's lymphoma victims who were alleging
14 that their exposure to Roundup had caused them to get
15 non-Hodgkin's lymphoma?

16 A. Not to the best of my recollection, no.

17 Q. So at no time did you tell anyone from
18 Bayer that in fact Roundup does not cause non-Hodgkin's
19 lymphoma?

20 MR. TANGRI: I'm sorry, could I hear that
21 question back?

22 MR. MILLER: Sure, let me --

23 A. There was a double negative in there.

24 BY MR. MILLER:

1 Q. Yeah, it was poorly phrased. I apologize.

2 Did you have any discussions with Bayer
3 about this issue of whether Roundup causes
4 non-Hodgkin's lymphoma?

5 A. Not to the best of my recollection.

6 [Exhibit 1 marked for identification.]

7 [Exhibit 2 marked for identification.]

8 Q. Let's take a look at Exhibit 2, and I have
9 a copy for you. A copy that way, a copy for you, and
10 one for your attorneys.

11 A. Thank you.

12 Q. Thank you. Have you ever seen this
13 document?

14 A. If you don't mind, if you just give me one
15 minute to -- just to have a quick look at them. I've
16 never seen this.

17 Q. All right. Let's just take a look at it
18 together. It's from OEHHA. It's an organization
19 within the California government, science for a
20 healthier California.

21 Do you see that, sir?

22 A. I do. Yeah, in the top left-hand corner.

23 Q. And what they're telling us is
24 glyphosate -- which is the active ingredient in

1 Roundup; isn't it, sir?

2 A. Glyphosate is the active ingredient.

3 That's correct.

4 Q. And it says -- it's a question that some
5 people have asked. Question, should I be concerned
6 about potential exposure to glyphosate?

7 Do you see that, sir?

8 A. I do. Yeah, up in the top box.

9 Q. And the answer by California is glyphosate
10 is on the Proposition 65 list because why, sir?

11 A. This -- do you want me to read it?

12 Q. Please, if you would.

13 A. The warning box at the top of this paper
14 that I'm pretty sure I haven't seen says, should I be
15 concerned about potential exposure to glyphosate? And
16 then a sub-bullet is, glyphosate is on the Proposition
17 65 list because it's been identified as a carcinogen.

18 Q. So it would be wrong to say that there
19 have never been a regulatory body that has declared
20 glyphosate a carcinogen; right?

21 MR. TANGRI: Objection. Ambiguous.

22 A. I don't think that OEHHA is a regulatory
23 body.

24 BY MR. MILLER:

1 Q. You don't think -- do you know that the
2 State of California has declared glyphosate a
3 carcinogen for non-Hodgkin's lymphoma?

4 Are you aware of that, sir?

5 A. Well, it's on the Prop 65 list.

6 Q. Which is declaring it a known carcinogen
7 for non-Hodgkin's lymphoma; right, sir?

8 MR. TANGRI: Objection to the extent it
9 calls for speculation, expert opinion.

10 A. I told you earlier, I'm no regulatory
11 lawyer.

12 What I do know, again, as a science-based
13 company and 40 years of experience in working with
14 regulators around the world, is the IARC finding
15 automatically triggers the Prop 65 list in California,
16 so we find ourself now with red wine and bacon and a
17 bunch of other stuff.

18 Q. Red wine is not a 2A in California. You
19 know that, Mr. Grant.

20 A. I don't. I don't.

21 Q. Red wine --

22 A. But the prop -- I'm sorry.

23 Q. Red wine is not a 2A. Are you aware or
24 not, sir?

1 A. I'm not aware.

2 Q. So what we know, though, is --

3 A. Are we still on this document?

4 Q. Well, you know something? Thanks, I think
5 I did have one more question. I appreciate the help.

6 A. You're welcome.

7 Q. It says, how do people get exposed to
8 glyphosate during their application? Exposure can
9 result from skin contact. That's a known way that
10 people can get exposed to glyphosate and then have a
11 risk of non-Hodgkin's lymphoma, isn't it, according to
12 California?

13 MR. TANGRI: Objection. Mischaracterizes
14 the document. Calls for speculation. Improper expert
15 opinion.

16 A. I am not a toxicologist or an
17 epidemiologist. I can't vouch for your point on skin
18 contact. I don't know.

19 BY MR. MILLER:

20 Q. All right, sir.

21 And what it says is, during their
22 application, exposure can also result from breathing in
23 aerosol droplets. Were you aware that people can
24 become exposed to what California has determined a

1 carcinogen by breathing in the droplets while
2 applicating the product.

3 MR. TANGRI: Objection. Assumes facts not
4 in evidence on -- in the preamble. You can answer the
5 question.

6 A. No, I am not.

7 BY MR. MILLER:

8 Q. The State of California warns people --
9 you see at the bottom of the page with a double X,
10 quote, do not handle or use glyphosate herbicides
11 without skin protection such as gloves.

12 Do you see that?

13 A. I do. Yeah.

14 Q. Now, your label for Roundup never
15 cautioned people to wear gloves; true?

16 A. I'm --

17 MR. TANGRI: Go ahead. You can --

18 A. I'm not sure what the label cautions.

19 BY MR. MILLER:

20 Q. What was the average in the last four
21 years you were at Monsanto -- the average volume of
22 sales of Roundup? About \$2 billion a year?

23 A. Yeah, some -- I would need to see data,
24 but somewhere in that --

1 Q. In that ballpark? I'm not going to hold
2 you to the exact figure.

3 A. So it was roughly -- it was about \$2
4 billion in sales of 15 -- yeah, of \$15 billion in total
5 revenue, so it became a smaller piece of the total
6 business.

7 Q. \$15 billion is a small piece of the total
8 business?

9 A. No, 2 is a small piece of 15.

10 Q. Oh, I see. Okay.

11 A. The other 13 were mainly seed and
12 technology.

13 BY MR. MILLER:

14 Q. I see. In spite of making at least --
15 approximately \$2 billion a year in the last four
16 years --

17 A. Just --

18 Q. I'll withdraw that. I'll withdraw that.

19 MR. TANGRI: Do you want to finish an
20 answer? I'm sorry.

21 A. Yeah, I just -- I don't know if I finished
22 it -- withdrawn point, but the \$2 billion was the
23 revenue, so it's the sales.

24 BY MR. MILLER:

1 Q. Yes, I understand that's not all profit.
2 Sure, I understand.

3 A. But you said despite making \$2 billion.
4 We probably made a couple of hundred million, so the --
5 no, or 400. It's a lot less than \$2 billion. We were
6 competing with the Chinese in that market, so we were
7 competing almost at cost.

8 Q. Well -- but the key is you had the Roundup
9 Ready seeds, and Roundup is a critical part of
10 marketing the Roundup Ready seeds?

11 That's fair, isn't it?

12 A. It was used in Roundup Ready seeds, and it
13 was used in many other parts of the world where there
14 were no Roundup Ready seeds as well -- in Europe, in
15 Africa. Yeah, eastern and western Europe.

16 So Roundup was used -- it's really
17 interesting. It was a critical component -- it is a
18 critical component for small holders, so teeny tiny
19 little farmers, farmers that farm on a half acre to an
20 acre.

21 So you're right; it was used with biotech
22 seeds, but it was also used on its own in many small
23 holding situations.

24 Q. And I want to write down if I can, because

1 I know Monsanto has sold Roundup since 1974, I believe?

2 A. I think that's right. Mid-1970s, yeah.

3 Q. Almost 40-some years -- 40 years; is that
4 right?

5 A. Yeah.

6 Q. And billions of dollars of sales.

7 Let me do this now. Let's write down the
8 names of all the epidemiological studies that Monsanto
9 did to determine whether or not Roundup caused
10 non-Hodgkin's lymphoma.

11 How many studies did Monsanto do to make
12 sure there was no association between Roundup and
13 non-Hodgkin's lymphoma? Is it one, five? How many?

14 A. I have no idea how many studies were done,
15 sir. Again, I'm not an epidemiologist, I'm not a
16 toxicologist.

17 Q. Are you aware, sir, that Monsanto has
18 admitted in request for admissions that in fact
19 Monsanto did no epidemiological studies to determine
20 the association between Roundup and non-Hodgkin's
21 lymphoma?

22 A. I --

23 MR. TANGRI: Objection to the extent it
24 calls for speculation.

1 A. I already told you that I'm -- there's
2 many people in the company, or in the former company,
3 who could tell you that, but I have no idea how many
4 studies were done.

5 [Exhibit 3 marked for identification.]

6 BY MR. MILLER:

7 Q. I'll show you what we're marking as
8 Exhibit 3, and these are requests for admissions that
9 were submitted by Monsanto.

10 MR. TANGRI: Here, we'll give you a copy
11 on paper.

12 MR. MILLER: Yeah, here you go. All
13 right, thanks. We're a long way from each other.
14 Sorry.

15 A. Thank you.

16 MR. TANGRI: That's all right.

17 BY MR. MILLER:

18 Q. Now, you're not a lawyer, but you've met
19 with lawyers at Monsanto before; right? I don't want
20 to know what you said to them, but I mean, you've met
21 with lawyers before; right?

22 A. Yes, I have, yeah.

23 Q. Yeah. And you have what you call in-house
24 lawyers -- lawyers that work within the corporation;

1 right?

2 A. We do.

3 Q. Yeah. And then you've retained outside
4 lawyers, which is every company's right; right?

5 A. Yes.

6 Q. And in the course of these non-Hodgkin's
7 lymphoma lawsuits, your attorneys have answered some
8 requests for admissions, and I want to point to you, on
9 Page 3 of this document, Exhibit 3 --

10 MR. TANGRI: And Mr. Miller, you have
11 handwriting on here. Did you intend that?

12 MR. MILLER: I don't know if your copy has
13 it on 1A I think I put on there. That's my
14 handwriting, yes.

15 MR. TANGRI: Okay, fine.

16 MR. MILLER: I can --

17 MR. TANGRI: I just wanted to make sure
18 you --

19 MR. MILLER: Yes, sir, that is my
20 handwriting.

21 BY MR. MILLER:

22 Q. Amended Response to Request Number 7 --

23 A. What page are you on, sir?

24 Q. I'm on Page 3, sir.

1 A. Okay. Would you mind -- I've never seen
2 this document. At least I do not recall seeing this
3 document, so would you mind if I just -- rather than
4 jump into a point on Page 3, if I just take a quick --

5 Q. You want to take a break and go off the
6 record? You can look at it. I just don't want to use
7 my time going over the whole thing when I'm just --

8 MR. TANGRI: Well, it -- we're not going
9 off the record if he needs to take a look at the
10 document to orient himself to answer your question -- I
11 mean, this is a document he hadn't -- he said he
12 doesn't recall seeing before, and at least based on the
13 top date, is a document that occurred -- was -- served
14 it says January 22, 2019, which is after he was out of
15 the company.

16 MR. MILLER: That's fine. As long as
17 we're not playing a stall game and we're just taking a
18 genuine review, that's fine.

19 MR. TANGRI: He said he hasn't seen it
20 before and that --

21 MR. MILLER: I'm only going to ask him
22 about Page 3 so --

23 MR. TANGRI: I understand, but it's also
24 not the sort of document he's even familiar with, so --

1 I mean -- or I have no reason to think he is.

2 A. After the quick -- oh, let me -- it says
3 -- yes. All right.

4 BY MR. MILLER:

5 Q. What we asked was, at the bottom of the
6 page here --

7 A. Page 3?

8 Q. Yes, sir, Page 3. Admit that Monsanto has
9 never conducted an epidemiological study to study the
10 association between glyphosate-containing
11 formulations --

12 MR. TANGRI: I apolo -- Mr. Miller, my
13 Page 3, I'm not seeing the words you're reading.

14 MR. MILLER: I'll -- take your time and
15 look. It's after admitted request for 31.

16 MR. TANGRI: Oh, fine. Sorry.

17 MR. MILLER: Okay. All right. Let's do
18 it again.

19 MR. TANGRI: It goes from Number 7 to 31.
20 My apologies. Okay.

21 MR. MILLER: All good.

22 BY MR. MILLER:

23 Q. All right, here's the question. Reading
24 on this page of request for admission, sir -- and it --

1 right after the words Request Number 31, it says,
2 quote, admit that Monsanto has never conducted an
3 epidemiological study to study the association between
4 glyphosate-containing formulations and non-Hodgkin's
5 lymphoma. And after considerable objections, it was
6 admitted.

7 Do you see that?

8 A. Yeah. I had the chance to read the entire
9 page.

10 Q. Yeah.

11 A. So never seen the document.

12 Q. I'm sure.

13 A. Never -- let me just -- I've never seen
14 the document before, so you have me at a slight
15 disadvantage, that this is the first trip through the
16 page. It's e-served -- I guess that's delivered by
17 e-mail, but I don't know -- in January 2019, which was
18 seven months after I left, I guess.

19 And if I read the entire page -- and
20 again, what we're talking about, one page in a document
21 I don't remember seeing -- it relates to -- in each of
22 the subpoints -- to the formulated product. So I don't
23 know if that's -- it talks about glyphosate-containing
24 formulations and further up, formulated pesticide

1 product.

2 So I have no knowledge of the study.
3 You'd be better served with a toxicologist or somebody
4 who did this for a living.

5 Q. We've talked to lots of them. Yours,
6 ours. You were the chief executive officer, chairman
7 of the board of directors of Monsanto corporation for
8 15 years before they were sold to Bayer.

9 And I'll tell you, they admitted they
10 didn't do any. I haven't been able to find any, and
11 I'm just asking you, Hugh Grant, if Monsanto took the
12 time and the energy to do an epidemiological study of
13 Roundup to see if it caused non-Hodgkin's lymphoma,
14 tell me about it, because I'd like to read it.

15 Do you know of one?

16 MR. TANGRI: Objection to the extent the
17 question is ambiguous and calls for expert opinion.
18 You can answer.

19 A. So I've already explained that I -- it's a
20 document I haven't seen. I have no expertise, but if I
21 look over the last 40 years, not limiting it to my 15
22 years as chairman and CEO, the requirements by
23 regulatory authorities around the world in studies like
24 this, sir, are done with the active ingredient, and

1 then the co-formulants, the other components that make
2 up the finished product, and that has been the standard
3 process for long-term studies that -- not just in the
4 U.S. and Canada, but around the world, preceding my 15
5 years of tenure.

6 BY MR. MILLER:

7 Q. Well, let me broaden the question. I'm
8 not just asking now about your -- the last 15 years
9 where you were chief executive officer and chairman of
10 the board, but during your entire career at Monsanto,
11 you cannot point to me, Hugh Grant, to one
12 epidemiological study done by Monsanto that looks at
13 the question of whether Roundup causes non-Hodgkin's
14 lymphoma?

15 That is the truth, isn't it, sir?

16 MR. TANGRI: Objection. Overbroad.
17 Ambiguous. Calls for expert opinion.

18 A. Again -- excuse me. Again, I haven't seen
19 the document. I am aware that hundreds and hundreds of
20 tests were done over those four decades with the active
21 ingredient and the co-formulant, so you don't examine
22 the cake; you examine the components of the recipe.

23 But there is a study done independently
24 that looked at -- epidemiologically, which is fairly

1 recent, done over the last -- done over 20 years with
2 50,000 applicators and their spouses and partners, that
3 was done with the formulated product, and once again --
4 so farmers, farmers and people who are in the field day
5 in, day out for 20 years, and that piece of work again
6 showed that Roundup passed with flying colors.

7 BY MR. MILLER:

8 Q. Mr. Grant, if you never test the cake, if
9 you just taste ingredients, how are you going to know
10 what the cake tastes like?

11 A. The --

12 MR. TANGRI: Objection. Ambiguous.
13 Incomplete hypothetical.

14 A. So let's leave the cake and go back to the
15 scientific reality.

16 BY MR. MILLER:

17 Q. Well, let's go back to the scientific
18 reality.

19 You decided not to test epidemiologically
20 Roundup because you didn't want to know the answer, you
21 didn't want to know this stuff caused cancer; it would
22 hurt profits.

23 MR. TANGRI: Object --

24 BY MR. MILLER:

1 Q. That's why Monsanto didn't test Roundup,
2 Mr. Grant; truth, isn't it?

3 MR. TANGRI: Objection. Argumentative.
4 Mischaracterizes prior testimony. Asked and answered.

5 A. So let me try one more time.

6 I haven't seen the document until today.
7 I'm not a toxicologist or an epidemiologist.

8 The criteria for testing and the
9 determinations that are set are set by independent
10 government agencies around the world, and our
11 responsibility and the responsibility of companies like
12 us in this industry is to meet those requirements, and
13 those requirements do not specify this test.

14 BY MR. MILLER:

15 Q. So if you don't have to test it -- if the
16 government doesn't make you test Roundup, you're not
17 going to do it; correct?

18 A. That suggests a minimum standard, which is
19 very far from the truth.

20 Q. Well, let's look at the truth.

21 A. The --

22 MR. TANGRI: Let him finish his answer,
23 please.

24 BY MR. MILLER:

1 Q. I didn't mean to interrupt you. Go right
2 ahead.

3 A. No, that's okay.

4 The regulators are setting high
5 thresholds, so they're not working, as you suggest, to
6 a minimum. They're working at very high standards
7 because they're responsible for their communities,
8 they're responsible for their citizens. So it is their
9 protocols that are scientifically determined that set
10 the work. It's not what companies want to do. It's
11 what governments determine. And I think that's a
12 bright line difference.

13 Q. Let's -- and let's be fair. You're not a
14 scientist; right?

15 A. I -- well -- I -- a long time ago, I
16 graduated as a scientist.

17 Q. Yes, sir, but you don't -- you consider
18 yourself more a business executive? Would that be
19 fair? I'm not trying to mischaracterize.

20 A. Yeah, I'm -- I don't know how to
21 characterize my -- I'm a retiree.

22 Q. That's --

23 A. I was a business person who worked amongst
24 scientists, and science was at the absolute heart of

1 everything we did at Monsanto.

2 Q. Then why would you be the one out there
3 telling the world that Roundup does not cause cancer?
4 Why wouldn't you let the scientists talk about science?
5 You're aware that you were out, before you retired from
6 the company, telling the world when they would listen
7 that in spite of all the epidemiology done by others,
8 Roundup does not cause cancer?

9 MR. TANGRI: Objection to the extent the
10 question assumes facts not in evidence, but you can
11 answer the question.

12 A. I'm not sure which --

13 BY MR. MILLER:

14 Q. Well, let's back up --

15 A. Which communication are you referring to?

16 Q. Well, I'm referring to you, Mr. Grant.

17 You do interviews with media. You did when you were
18 with Monsanto; that's true, isn't it?

19 A. That was a piece of my responsibilities,
20 yes.

21 Q. And in those interviews, you would tell
22 people that Roundup, in spite of evidence to the
23 contrary, does not cause cancer; right?

24 MR. TANGRI: Objection to the extent that

1 assumptions in the question -- assumes facts not in
2 evidence.

3 If you recall communications on that
4 subject, you can answer.

5 A. I had no -- the vast weight of scientific
6 evidence for 40 years from independent regulators
7 around the world absolutely condoned the statement that
8 Roundup did not cause cancer.

9 BY MR. MILLER:

10 Q. Move to strike the answer as completely
11 nonresponsive.

12 The question was, sir, did you tell media
13 people that Roundup did not cause cancer.

14 A. You're going to have to show me what I
15 said. I did a lot of interviews over a long time.

16 What I'm telling you is that --

17 BY MR. MILLER:

18 Q. Well, I'm going to move to strike it. If
19 it's about regulators, I'm going to move to strike it.

20 MR. TANGRI: Well, let him finish his
21 answer.

22 MR. MILLER: I'm hear to ask questions,
23 and he has an intelligent responsibility to answer
24 those questions.

1 MR. TANGRI: And he's answering your
2 questions and don't --

3 MR. MILLER: This is not about regulators.

4 MR. TANGRI: Don't interrupt him.

5 MR. MILLER: So don't go to the
6 regulators.

7 MR. TANGRI: Don't interrupt him, and
8 don't try to dictate his answers. You get to ask the
9 questions, he will answer them.

10 MR. MILLER: We're going to get the judge
11 on the phone if we're going to have him answering
12 something else other than the honest questions that I
13 am asking.

14 MR. TANGRI: He -- well, I disagree with
15 your characterization of your questions, but he is
16 answering your questions, and if you would let him
17 finish his answer, then if you want to move to strike,
18 you can say move to strike, but he gets to finish his
19 answer.

20 BY MR. MILLER:

21 Q. Do you remember the question?

22 A. Maybe you could give another question
23 again before --

24 Q. Yeah, sure. Let's try again.

1 Approximately how many times do you think
2 you talked to reporters while you were the chief
3 executive officer and chairman of the board of
4 Monsanto? Just an estimate, sir.

5 A. Over 15 years?

6 Q. Well, I think you were 15 years as chief
7 executive officer.

8 A. Yeah.

9 Q. Yeah. Just approximately how many times
10 do you think?

11 A. I wouldn't know how to estimate. I
12 usually did some conversations around earnings, so we
13 announced earnings four times a year, so over 15 times
14 four, so it would be hard to put a number on it, but
15 for the financial stuff, there would be four episodes a
16 year, so 60 episodes a year.

17 Q. And at no time in talking to the press
18 during your career did you ever tell the media that
19 there was evidence out there that showed an association
20 between Roundup and cancer; right?

21 A. That's why I said earlier I don't know
22 because you have me at a disadvantage. I don't have
23 those records in front of me.

24 Q. I don't want to have a disadvantage. Let

1 me show you Exhibit 4, sir. And I have a copy for your
2 counsel.

3 A. Thank you.

4 Q. All right. Yes, sir.

5 [Exhibit 4 marked for identification.]

6 MR. MILLER: Here you go. Here you go.

7 MR. TANGRI: You keep the one with the
8 blue sticker.

9 MR. MILLER: Oh, sorry.

10 A. Thank you. I recognize the haircut.

11 BY MR. MILLER:

12 Q. That's a nice picture, sir. That's you,
13 right, in the picture?

14 A. That is me, yeah.

15 Q. And I don't want to go over this in great
16 detail, but all I'm asking is, in your interview -- and
17 it's -- you can still download it -- you say, quote,
18 Roundup is not a carcinogen. And that's what you
19 believe; right?

20 MR. TANGRI: It's a multipage document.

21 Which page are you on, just for his benefit?

22 MR. MILLER: Yes, sir. I'm on Page 3 of
23 8.

24 A. Page 3 of 8? Yeah, I was just reading

1 that page. I don't recall -- it's beneath the cannabis
2 extract piece. Let me just quickly scan the rest of
3 this.

4 Okay. Thank you.

5 BY MR. MILLER:

6 Q. That's -- you remember saying -- or do you
7 not remember saying, quote, Roundup is not a
8 carcinogen. Also, quote, so I've absolutely no
9 concerns about the safety of the product, end quote.
10 Two things that you told the media; right?

11 A. I take the quote at face value. I don't
12 remember doing the interview with Here & Now, but the
13 full piece says Roundup is not a carcinogen. It's 40
14 years old, and it's been studied virtually every year
15 of its life that it's been under review somewhere in
16 the world by regulatory authorities, which is my
17 testimony before I saw the article.

18 So it's kind of like the Golden Gate
19 Bridge. It's -- just when you finish painting it, you
20 go back and you start painting again.

21 Q. Right, but in the Golden Gate Bridge, we'd
22 be looking at the whole bridge. Here the regulators
23 didn't look at the whole bridge, they looked at pieces
24 of the bridge. The regulators, like you and I have

1 already agreed, looked at only glyphosate, not
2 glyphosate with its combination surfactant.

3 That's true?

4 MR. TANGRI: Objection. Overbroad. Calls
5 for speculation.

6 BY MR. MILLER:

7 Q. Sir, did you know -- or did you follow the
8 publishedly available epidemiology, that was certainly
9 in the medical press by 2001, about the association
10 between Roundup and non-Hodgkin's lymphoma? Were you
11 aware of any studies like that?

12 MR. TANGRI: Objection. Ambiguous.
13 Overbroad, and calls for speculation.

14 A. I don't recall such studies in 2001. I
15 may have, but there were people --

16 BY MR. MILLER:

17 Q. Sir --

18 A. -- much better qualified in my
19 organization to do that.

20 Q. I didn't hear you.

21 A. I'm sorry. I said I may have. I don't
22 recall. But there were people much better qualified
23 than I to do that in the company.

24 Q. Oh, I understand.

1 you could meet with them. You, Hugh Grant, could meet
2 with the EPA anytime you wanted, couldn't you?

3 A. I think that mischaracterizes the
4 relationship, but there was a constant exchange that --
5 not just me, but working groups, teams -- and not just
6 the EPA; around the world. So as they set their
7 thresholds and set their tests, that's done through
8 working groups in exchange with industry.

9 Q. Well, the Environmental Protection Agency
10 top person, administrator, in 2016 was who?

11 A. The senior administrator was Madame
12 Administrator McCarthy.

13 Q. Gina McCarthy; right?

14 A. I never knew her as Gina. She was Madame
15 Administrator or Senior Administrator McCarthy.

16 Q. And you met with her and talked about
17 Roundup more than a few times, didn't you?

18 A. My recollection -- I met her twice. I had
19 two brief meetings with her.

20 Q. And you told her, among other things, that
21 you thought IARC, the International Research Agency on
22 Cancer, was junk science?

23 A. I do not remember telling the
24 administrator that. My recollection of that meeting is

1 very different from what you represent.

2 Q. Okay. Well --

3 A. And fundamentally different.

4 Q. Well, great. Let's find common ground.

5 You and I agree that IARC is not junk science?

6 A. No, I --

7 MR. TANGRI: Objection. Mischaracterizes
8 his prior testimony.

9 A. I thought you were representing what I
10 talked to Senior Administrator McCarthy about, but I do
11 think there is junk science in IARC, but I did not have
12 that conversation with the administrator.

13 BY MR. MILLER:

14 Q. Do you think that IARC's conclusion that
15 Roundup was a probable human carcinogen is junk
16 science?

17 A. I think it's -- I think it is massively
18 deviant from all the work that was done by regulators,
19 including the EPA, over the previous 40 years.

20 Q. Now, Mr. Grant, let's make sure we
21 don't -- neither one of us misrepresent to this jury.
22 The EPA didn't conduct any test on Roundup. You know
23 that to be true; right?

24 A. The work was done mainly over 40 years,

1 record at 1:12 PM.

2 [A brief recess was taken.]

3 THE VIDEOGRAPHER: We are back on the
4 record at 1:29 PM.

5 BY MR. MILLER:

6 Q. Okay. Mr. Grant, let's get back to work.

7 A. Very good.

8 Q. All right. Before the break, we were
9 talking about your meeting with Gina McCarthy, the
10 director of the Environmental Protection Agency.

11 Do you remember?

12 A. Yes.

13 Q. You have to answer verbally.

14 A. Oh, I'm sorry. Yes, we were.

15 Q. Thank you, sir.

16 One of the main points you wanted to meet
17 with director of the Environmental Protection Agency --
18 you wanted help in defending the personal injury
19 lawsuits. That's the truth, isn't it, Mr. Grant?

20 A. I'm sorry, can you --

21 Q. You wanted to talk to the Environmental
22 Protection Agency about getting them to help you in
23 these personal injury lawsuits.

24 Do you remember that?

1 A. I do not remember that from the meeting.

2 Q. Let's take a look at it.

3 This was produced by Monsanto, and we'll
4 mark it as Exhibit 8. And here -- and one for you.

5 [Exhibit 8 marked for identification.]

6 MR. LOMBARDI: And Mike, I think you're on
7 7, unless I misread.

8 MR. MILLER: George, I'm sorry if I --

9 MR. LOMBARDI: I don't mind, but we ought
10 to make it on the record so we know when people come
11 back and look at it.

12 MR. MILLER: That one's 8, and I'll yield
13 to Mr. Lombardi's intelligence and memory. You're
14 probably right, George.

15 MR. LOMBARDI: And we'll just say for the
16 record that there's no Plaintiff's Exhibit 7 at this
17 point?

18 MR. MILLER: As best -- yeah, okay. Yeah,
19 sure. I just don't know. I never remember.

20 BY MR. MILLER:

21 Q. So let's review that. This was produced
22 to us by Monsanto, and it's talking point for a
23 conversation with Gina.

24 Do you see that, sir?

1 A. I do, yes.

2 Q. I'm just going to walk through a couple
3 things about it.

4 It says Hugh update. Was it a
5 characteristic that before meetings someone would
6 prepare you updates about meetings and such?

7 A. It was fairly common.

8 Q. Sure.

9 A. This -- so this was August the 9th, and
10 the meeting occurred on August the 31st, so this was
11 two -- three weeks before the meeting.

12 Q. Yes, sir. And --

13 A. Do you mind if I just take a quick scan
14 through this?

15 Q. Of course.

16 A. Let me just --

17 Q. Sure. Sure.

18 A. Yep. Thank you.

19 Q. And in this update preparing you for the
20 meeting -- if you would go to the last page, sir, and
21 we'll work backwards here.

22 A. Okay.

23 Q. You -- this document tells us about the
24 impact of the IARC classification, and your -- the

1 points to be raised were Prop 65. That's where
2 California has determined Roundup to be a carcinogen
3 for non-Hodgkin's lymphoma; right?

4 MR. TANGRI: Objection. Mischaracterizes
5 prior testimony.

6 A. I'm sorry. I was --

7 BY MR. MILLER:

8 Q. What is -- I'm on the last page.

9 A. And I was just reading the last page.

10 Q. Yeah.

11 A. Can you say again? Can you --

12 Q. Well, I'll just withdraw and rephrase.

13 The points for discussion on this page, as you prepare
14 for that meeting with the EPA, are Prop 65; right?

15 A. Yes, that's --

16 Q. And personal injury litigation; right?

17 A. Those are the points.

18 Q. Yes, sir. And let's go to the page before
19 that.

20 But before we do, how did you expect the
21 EPA to help you with personal injury litigation.

22 A. I don't --

23 MR. TANGRI: Objection. Assumes facts not
24 in evidence.

1 A. As is often the case with these, what
2 somebody thought I should be covering and what I ended
3 up covering -- everybody likes their point on the --
4 the point in the docket. We had a brief meeting, and I
5 do not recall -- and it links to my prior testimony --
6 I do not recall any conversation about IARC in this
7 meeting.

8 Q. You didn't --

9 A. It was a meeting that was really focused
10 on time.

11 Q. You didn't want the EPA to have a
12 scientific advisory panel on the outside? Do you see
13 that? It says here, there is no need -- excuse me. I
14 want to read it right -- there is already enough for
15 EPA to act without a scientific advisory panel. Do you
16 see that?

17 MR. TANGRI: Objection. Compound, and
18 asked and answered.

19 A. Can you show me where you are?

20 BY MR. MILLER:

21 Q. Yes, sir. It's under suggested areas of
22 focus for conversation.

23 MR. TANGRI: You can just work on there.

24 A. Oh, I've got it. I'm sorry. I've got it.

1 There is no need --

2 BY MR. MILLER:

3 Q. Do you see that?

4 A. Yeah.

5 Q. Why didn't you want an independent
6 scientific advisory panel to look at this issue of
7 Roundup and cancer?

8 MR. TANGRI: Objection. Misstates prior
9 testimony.

10 A. I don't -- I'm still -- can you show me in
11 the document where there is no need?

12 BY MR. MILLER:

13 Q. There is already enough for EPA to act
14 without scientific advisory panel.

15 A. Okay. I've got you.

16 Q. Why didn't you want a scientific advisory
17 panel to look at this issue -- independent scientists?

18 MR. TANGRI: Objection. Asked and
19 answered.

20 A. I feel as if we've covered this already.
21 Here it says that there is already enough for EPA to
22 act without an SAP.

23 My memory of this meeting was we were --
24 in September, we were approaching the end of this

1 administration. We were still waiting on the decision
2 after seven years, so for me, it was a lot less about
3 an SAP. It was the design -- have a pathway to when a
4 decision would be made.

5 BY MR. MILLER:

6 Q. It also says in your Hugh update here
7 that -- about two-thirds of the way down, quote,
8 comment on scientific advisory panel selection. As
9 panel members are screened, all conflicts of interest
10 must be considered. Relationships with IARC,
11 Ramazzini, OEHHA, the 96 scientists who signed Chris
12 Porter's letter all represent significant conflicts of
13 interest and should be viewed no differently than
14 scientists working in industry.

15 Did I read that correctly?

16 A. Yep.

17 Q. Why did you think 96 different scientists
18 who had signed a letter supporting the International
19 Research Agency in Cancer couldn't be independent
20 scientists to review these issues?

21 MR. TANGRI: Objection. Assumes facts.

22 A. I have no idea.

23 BY MR. MILLER:

24 Q. In fact, Monsanto was able to get

1 independent scientist Peter Infante thrown off of the
2 scientific advisory panel.

3 Do you remember that?

4 A. I don't, no.

5 Q. You mentioned the Obama administration
6 came to an end. Your influence in government in
7 America is so great, you immediately got a meeting with
8 Donald Trump, didn't you?

9 A. I -- so have we left this document?

10 Q. Yeah, we're done with that. Yeah.

11 MR. TANGRI: Can we have the question read
12 back?

13 MR. MILLER: Yeah. Please.

14 [The pending question was read by the
15 reporter.]

16 A. I met with Mr. Werner Baumann with
17 President-Elect Trump, but I don't think that's any
18 measure of influence or reach.

19 BY MR. MILLER:

20 Q. I can promise you he didn't meet with me
21 or any of the other plaintiffs' lawyers. So after
22 Donald Trump got elected, before he was even sworn in,
23 you flew to New York and had a private audience with
24 Donald Trump; right, sir? You --

1 A. That is correct.

2 Q. Wouldn't you agree that's pretty amazing
3 influence?

4 A. I think -- my recollection of that
5 meeting, President-Elect Trump and his team at that
6 time were interested in the details of our proposed
7 deal with Bayer, and he was particularly -- and this is
8 public record. He was particularly focused on what it
9 would mean for jobs in America and very specifically
10 what would it mean for jobs here in St. Louis.

11 So it was a conversation around what the
12 new company would look like and what would happen to
13 the technologies after the deal was consummated.

14 [Discussion off the record.]

15 Q. You remember before our break, you told me
16 that IARC was junk science?

17 A. I do remember that.

18 Q. Let's take a look at these junk scientists
19 and see what -- why you come to that conclusion.

20 MR. TANGRI: Objection to the preamble.
21 Misstates testimony.

22 MR. MILLER: Mr. Lombardi, I need to tell
23 you I found Exhibit 7.

24 MR. LOMBARDI: Oh.

1 MR. MILLER: I had marked the list of IARC
2 scientists.

3 MR. LOMBARDI: Okay.

4 MR. MILLER: So I apologize for my
5 confusion, but we're going to mark now Exhibit 7, so we
6 have a -- seriatim exhibits. The list of participants
7 of IARC monograph. And I'm going to have a copy for
8 the witness and counsel.

9 [Exhibit 7 marked for identification.]

10 BY MR. MILLER:

11 Q. Here, sir.

12 A. Thank you very much.

13 Q. This is --

14 A. I don't --

15 Q. -- the 17 -- it's actually 18 names on
16 here. One scientist did not participate.

17 You don't think that Aaron Blair from the
18 National Cancer Institute, United States of America,
19 who was the overall chair of the IARC committee --
20 you're not here to tell us he's a junk scientist, are
21 you?

22 A. I'm sorry. I don't know any of these
23 individuals, and I can't vouch for their expertise.

24 Q. Well, collectively, they put a lot of work

1 into it, and to have the head of a multibillion dollar
2 corporation call them junk scientists -- I mean, that's
3 not something you would do lightly; is it?

4 MR. TANGRI: Objection. Calls for
5 speculation. Misstates his prior testimony. Assumes
6 facts not in evidence.

7 BY MR. MILLER:

8 Q. You met with the EPA several times. Do
9 you think Peter Egeghy of the Environmental Protection
10 Agency, United States of America, is a junk scientist?

11 MR. TANGRI: Objection. Preamble
12 misstates his prior testimony, assumes facts not in
13 evidence, and the question also misstates his
14 testimony.

15 A. I don't know Peter Egeghy, but it looks
16 from this as if he didn't attend the meeting.

17 BY MR. MILLER:

18 Q. He did not attend -- he's the one
19 scientist we talked about who did not attend. How
20 about -- do you have any criticisms of Charles Jameson
21 from the United States of America who was the sub-chair
22 cancer and experimental animals group of the IARC?

23 A. Yeah. Again, I am not familiar with
24 Mr. -- or Dr. -- or -- I'm not familiar with Mr.

1 Jameson or his consulting company, so I can't comment.

2 Q. Only a few more and we'll move on.

3 A. Okay.

4 Q. But Martin -- excuse me -- Matthew Martin
5 -- when you met with the EPA, did you ever meet with
6 Matthew Martin from the United States Environmental
7 Protection Agency?

8 A. I don't believe I ever met Matthew Martin
9 at the EPA.

10 Q. Were you aware that he was one of the
11 scientists who unanimously concluded that Roundup is a
12 probable human carcinogen for non-Hodgkin's lymphoma?

13 A. I was not aware of that.

14 Q. So it would -- you know now, though, it
15 would be wrong to say that the EPA as a mass body has
16 unanimously concluded that IARC -- that Roundup does
17 not cause non-Hodgkin's lymphoma when we know from the
18 evidence that Matthew Martin voted to conclude, in
19 fact, Roundup is a probable human carcinogen?

20 MR. TANGRI: Objection. Ambiguous. Calls
21 for speculation.

22 A. I can't -- I've already told you I don't
23 know Matthew Martin. I don't know these scientists, so
24 I can't vouch for their connection back to EPA.

1 BY MR. MILLER:

2 Q. All right. Well, last one.

3 MR. TANGRI: Were you done?

4 A. But I do question their conclusion.

5 BY MR. MILLER:

6 Q. Last one and we'll move on. Lauren Ziese,
7 the head of the California Environmental Protection
8 Agency -- you don't have any criticisms of her
9 qualifications or body of work; right?

10 MR. TANGRI: Objection. Assumes facts.
11 Calls for speculation.

12 A. Yeah, I've actually -- I have no knowledge
13 of what her qualifications are, but I don't know any of
14 these individuals.

15 BY MR. MILLER:

16 Q. You're aware that your company had an
17 observer at the IARC meeting; right? Are you aware of
18 that?

19 A. I'm looking at Page 2, and it lists Mr.
20 Sorahan as a listed observer, yes.

21 BY MR. MILLER:

22 Q. Yeah, he's a doctor, Dr. Sorahan.

23 A. Dr. Sorahan.

24 Q. And do you know that Dr. Sorahan came back

1 and told Monsanto that everything about the way IARC
2 met for that two weeks was done according to the rules
3 and regulations of IARC and the World Health
4 Organization?

5 Have you read that?

6 A. I wasn't aware of his representation, no.

7 Q. One of your companies's plans was to
8 orchestrate a great outcry at the conclusion of IARC
9 that in fact your product was a probable human
10 carcinogen; right?

11 A. I guess my own -- if we're leaving this --
12 the only other -- now that I've had the chance to read
13 it, I don't remember seeing this.

14 Although I don't know the individuals,
15 they spent a week in Leon in France, which is a very
16 nice place to have a meeting. And in the space of that
17 week, they covered diazinon, glyphosate, malathion,
18 parathion, and tetrachlorvinphos -- they're
19 insecticides, I think.

20 So when you think about Germany taking
21 four or five years, the U.S. taking at least seven, and
22 regulatory agencies around the world, you measure their
23 progress in half decades, this was a big week of work
24 for these individuals in Leon, France, even if they

1 worked well into the evening.

2 Q. So you're unaware then that they had
3 materials for three months before that meeting that
4 they were able to study? Are you aware of that?

5 A. I was aware of that.

6 Q. And you're aware that they do this for
7 free? They volunteer their time to come in as
8 independent scientists and review to see if materials
9 cause cancer? Are you aware of that?

10 A. I'm not sure what your point is on working
11 for free.

12 Q. Well, my point is there is no economic
13 agenda on these people. They come in as scientists to
14 review the materials and reach a conclusion?

15 A. Oh, I see your point.

16 My point was, this is a lot to cover in
17 the space of a week, even with three months pre-work,
18 when you contrast it with agencies doing this over five
19 to seven years.

20 Q. Do you find any criticisms, Mr. Grant, of
21 the fact that IARC will only review publicly-available
22 materials from peer-reviewed literature and will not
23 review internal company documents or results? Did you
24 have a problem with that process?

1 A. I -- as somebody who has no expert
2 training in this field, I don't know whether that's a
3 positive or a negative.

4 Q. Part of your job at Monsanto was to
5 influence, if possible, any organization that might
6 criticize Roundup.

7 Is that a fair statement, or no?

8 A. I don't -- I wouldn't have represented my
9 job as that, no.

10 I mentioned earlier in my testimony that
11 in my time at Monsanto, we were a science-based
12 company. It was all about the science, and our
13 decisions were driven by that science, and I think
14 that's a better representation than influence.

15 Q. Well, when scientists, 64,000 scientists
16 strong, refuse to take a half a million dollar check
17 from you, your company, Monsanto, because they were
18 concerned that Roundup was associated with
19 non-Hodgkin's lymphoma, wouldn't that prompt a
20 science-based company to go look at the issue and do an
21 epidemiological study on the issue?

22 A. I'm not sure what event you're referring
23 to, sir, with the 64,000 scientists.

24 Q. Did there ever come a time when an academy

1 of physicians rejected a half a million dollar check
2 from Monsanto because of their concern that, in fact,
3 their experts had seen a problem with Roundup and
4 non-Hodgkin's lymphoma, or do you remember that?

5 A. Thank you for the elucidation.

6 I do remember that, and I remember writing
7 back to them and urging them to allow us to share
8 information that would allay their concerns.

9 Q. Let's look at that together. We've marked
10 that as Exhibit 9.

11 [Exhibit 9 marked for identification.]

12 Q. It's a letter to you, sir, from the
13 American Academy of Pediatrics.

14 A. Yeah.

15 Q. An organization of 64,000 primary care
16 pediatricians and pediatric subspecialists. I have a
17 copy for you and for counsel. Here you go.

18 A. Thank you.

19 Q. Have you been able to review this
20 recently?

21 A. I saw this in my preparation. If you just
22 give me one minute to -- yeah.

23 Q. So to put this in context, we're in
24 September 2015, which is four or five months after IARC

1 has concluded what they have concluded on Roundup. And
2 here you're receiving a letter from Sandra Hassink, the
3 president of the American Academy of Pediatrics; right?

4 A. That is correct. Yes.

5 Q. And with that letter, she's returning to
6 you a check for a half a million dollars, isn't she?

7 A. She did. Yeah.

8 Q. So Monsanto had sent a half a million
9 dollars to the American Academy of Pediatrics. Were
10 you trying to influence their opinions in any way?

11 A. No, we had been a sponsor of the American
12 Academy of Pediatrics for some time.

13 Q. And here's what she says in her letter.

14 On behalf of the American Academy of
15 Pediatrics, a nonprofit professional organization of
16 more than 64,000 physicians, I write to inform you that
17 the AAP is unable to accept your recent offer of
18 financial support or an exhibit at the national
19 conference; right?

20 A. I was going to say, I think it was the
21 conference as well as -- it was the annual meeting that
22 we were contributing to and had done in the past.

23 Q. And what she tells you, Mr. Grant, is that
24 based upon -- quote, based on our expert review of the

1 available environmental health evidence and the
2 recommendation of international health authorities,
3 sufficient concern exists about continued use of the
4 herbicide glyphosate to preclude partnering with
5 Monsanto at this time. Did I read that correctly?

6 A. You read that accurately. Yeah.

7 Q. When 64,000 physicians in America tell you
8 they're concerned about this, wouldn't you want to go
9 do an epidemiological study to see if the association
10 is there?

11 A. The last paragraph, just to bookend you're
12 reading the previous one, is, we remain appreciative of
13 the work that we've accomplished through previous
14 sponsorship, and we remain committed to further
15 dialogue between the academy and Monsanto, and in
16 particular, we thank Dr. Daniel Goldstein for his
17 continuing work and dedication to the health of
18 children. And I followed up with a letter back to the
19 president, encouraging that dialogue and that exchange
20 of information.

21 Q. Now, my question.

22 Why wouldn't you do an epidemiological
23 study?

24 A. A letter from the president of the

1 American Academy of Pediatrics wasn't the trigger to go
2 and do an epidemiological study. As I've mentioned in
3 earlier testimony, these studies are done at the behest
4 and the request of regulatory authorities.

5 Q. You're telling me you can't do -- if you
6 would have started an epidemiological study, are you
7 telling me the regulators would have stopped you?

8 A. I can't speculate what the regulators
9 would have done.

10 Ironically -- and it was after this -- but
11 ironically, there was one of the largest
12 epidemiological studies done in the history of
13 agriculture, with 50,000 applicators -- farmers and
14 applicators, over 20 years.

15 Q. Why, Mr. Grant --

16 MR. TANGRI: Hey, let him --

17 BY MR. MILLER:

18 Q. Are you finished?

19 MR. TANGRI: He's not.

20 BY MR. MILLER:

21 Q. Are you finished?

22 A. No, I'm not.

23 MR. TANGRI: Let him finish.

24 BY MR. MILLER:

1 Q. Well, finish up and be responsive, and
2 then I'll ask my next question.

3 A. I intend to be.

4 And that study posted after this date, I
5 believe, so there was an opportunity that we
6 requested -- I don't know if you have the follow-up
7 letter that I sent back -- requesting the opportunity
8 to talk to the president of the American Academy.

9 MR. TANGRI: And Mr. Miller, before you --
10 I just want to say I think you've been going for about
11 an hour-and-a-half. I am indifferent as to how you and
12 Mr. Wisner divide your time, as long as it sums to
13 four. But I just wanted to flag that. You had said
14 one-and-a-half to two-and-a-half, so --

15 MR. MILLER: Okay, thanks.

16 BY MR. MILLER:

17 Q. Mr. Grant.

18 A. Sir.

19 Q. You've mentioned an agricultural health
20 study now unresponsively to several questions. You've
21 not mentioned the McDuffie study which showed a
22 doubling of the risk, and you've not mentioned the De
23 Roos study that showed a doubling of the risk. Is
24 there any particular reason you volunteer the American

1 agricultural study and not the five studies that
2 support the plaintiffs?

3 MR. TANGRI: Objection to the extent the
4 question assumes facts not in evidence. Lacks
5 foundation.

6 A. I have mentioned the AHS study because it
7 is such a massive body of data.

8 BY MR. MILLER:

9 Q. And speaking of the massive size of the
10 AHS, you understand that Dr. Aaron Blair, who was the
11 chairman of the IARC committee, former president of the
12 National Cancer Institute, was an author on the
13 agricultural health study? Are you aware of that?

14 A. I was aware of that.

15 Q. Are you aware that under oath in this
16 litigation, Dr. Blair has said in spite of the
17 agricultural health study, he believes Roundup causes
18 non-Hodgkin's lymphoma? Are you aware of that?

19 A. I am not aware of his subsequent
20 testimony, no.

21 Q. Can we agree that you, Hugh Grant, are not
22 scientifically as well trained as a medical doctor who
23 was the head of the National Cancer Institute and
24 author of the agricultural health study? Can we agree

1 on that?

2 A. I have no knowledge of his background or
3 his scientific basis, so you're asking me to compare
4 myself to somebody that I don't know, I've never met,
5 and I haven't seen his qualifications.

6 MR. MILLER: I want to thank you for your
7 patients and time. We're going to take a short break,
8 and I'm going to turn the floor over to Mr. Wisner.
9 Thank you.

10 A. Thank you sir.

11 THE VIDEOGRAPHER: We are going off the
12 record at 1:56 PM.

13 [A brief recess was taken.]

14 THE VIDEOGRAPHER: We are back on the
15 record at 2:05 PM.

16 QUESTIONS BY MR. WISNER:

17 Q. Good afternoon, Mr. Grant.

18 A. Good afternoon, sir.

19 Q. My name is Brent Wisner and I'm an
20 attorney who represents the plaintiffs in this lawsuit.

21 Before we begin I just want you to verify
22 that this is correct. The jury might be a little
23 confused. We had one lawyer asking you questions, now
24 I'm asking you questions. You understand that this

1 deposition is being taken in multiple proceedings;
2 right?

3 A. I understand that, Mr. Wisner, yes.

4 Q. And so Mr. Miller, who's actually a good
5 friend of mine, he asked you some questions earlier and
6 now it's my turn to ask you some questions.

7 A. That was my understanding, thank you.

8 Q. And you understand that after I'm done,
9 attorneys from Monsanto will be allowed to ask you
10 questions?

11 A. I understand that as well.

12 Q. You understand you're under oath; correct?

13 A. And I understand I'm still under oath.

14 Q. Before I get into some of the things that
15 you were just talking about with Mr. Miller, I just
16 want to quickly ask how much time did you spend
17 preparing for your deposition?

18 A. I spent three -- I spent a total of four
19 days. I spent one day getting to know my own counsel
20 and a pretty high-level review, and then three days
21 with the documents. So in total, four days.

22 Q. And during that time of preparing, were
23 attorneys from Monsanto present as well as your own
24 counsel?

1 A. There was one attorney from Monsanto
2 present from -- an in-house attorney from Monsanto
3 present -- actually from the former Monsanto, now
4 Bayer. From -- sorry. From time to time she was in
5 and out. She was out more than in.

6 Q. Is that Robin Buck?

7 A. Yes.

8 Q. Was Mr. Lombardi in there during --

9 A. Yes, he was for the entire process, yes.

10 Q. So the first thing I want to clarify is
11 when you retired from the no-longer-existent
12 Monsanto --

13 A. Yes.

14 Q. -- during the Bayer acquisition, were you
15 given a payout by the company?

16 A. I was, yeah.

17 Q. So you weren't -- you didn't retire
18 because they -- you were being fired? You were being
19 retired because the company was being absorbed; is that
20 right?

21 A. Can you say that again? I wasn't retired
22 --

23 Q. Sure. I'm just trying to clarify; you
24 weren't like fired?

1 A. Oh. Well, I guess technically I resigned.
2 There was no longer a job for me in the new company.

3 Q. Exactly.

4 A. But I wasn't fired. I exited gracefully.

5 Q. That's what I meant.

6 And that payout -- how much was that?

7 A. I can't recall. It's public record. I
8 can't recall. It was combined with additional stock
9 that I sold, so I can't remember how much it was. It
10 was a very straightforward process. It was the change
11 of control element of my package and nothing more.

12 Q. It was over \$30 million; right?

13 A. It was in the order of that, yeah.

14 Q. I mean, I don't know. Maybe this is
15 common for you, but if I were to get paid over \$30
16 million, I'd probably know the exact cent. So you
17 don't recall the number?

18 A. I -- it's a significant payout, but I
19 couldn't tell you the exact number. I thought you were
20 looking for a precise number. It was around \$30
21 million.

22 Q. And since then you've been retired; is
23 that right?

24 A. I am. I'm still a board member on a

1 couple of companies, but I'm -- beyond that I'm
2 retired, other than my board service.

3 Q. And do any of those board companies
4 involve Bayer or Monsanto?

5 A. No, they do not.

6 Q. Do they involve other chemical companies?

7 A. No. No -- maybe it would help if I -- so
8 I'm a board member of --

9 Q. That was fine. I don't need to know it
10 all.

11 A. Okay.

12 Q. Don't mean to interrupt you, but I don't
13 want to waste your time.

14 A. Fair enough.

15 Q. So I want to go over a couple things that
16 you discussed with Mr. Miller a minute ago.

17 A. Sure.

18 Q. The first thing you said -- and you said
19 this repeatedly -- was that Monsanto was a
20 science-based company.

21 Do you recall that?

22 A. I do recall that.

23 Q. And a science-based company -- by that do
24 you mean Monsanto looks at the data and is driven by

1 what the data shows? Is that right?

2 A. Well, I think it's even broader than that.
3 I think it encompasses that, but it's even broader than
4 that. So we were spending about a billion-and-a-half
5 dollars a year on research and development.

6 So being science-based, one end is being
7 driven by innovation and the development of new
8 products that make life better or more productive for
9 our grower customers. At one end -- and the other end
10 I would agree is driven by data.

11 Q. So just to be clear I -- make sure I heard
12 you straight. Monsanto was spending on the order of
13 one-and-a-half billion dollars a year in research and
14 development?

15 A. More or less, yeah.

16 Q. And just to be clear, notwithstanding that
17 hefty sum, Monsanto never decided to spend some of it
18 on conducting an epidemiological study on Roundup;
19 right?

20 MR. TANGRI: Objection. Asked and
21 answered.

22 A. I think we've covered this a few times
23 already, but the investment in R&D was over a long-time
24 horizon. This wasn't a question of what we spend on

1 epidemiological studies, it was much more a question,
2 again, of what was required by the regulatory
3 authorities around the world.

4 BY MR. WISNER:

5 Q. And because the regulators never required
6 that Monsanto conduct an epidemiological study,
7 Monsanto never did one; right?

8 A. Well, there was an epidemiological study
9 done as I've mentioned several times earlier on Roundup
10 on the full formulation, which took 20 -- almost 20
11 years to complete.

12 Q. I appreciate your answer, sir, but I
13 didn't ask you about other people doing studies. I was
14 asking about Monsanto, and I guess my question is
15 pretty straightforward.

16 Because the regulators never required that
17 Monsanto conduct an epidemiological study, Monsanto
18 never itself did one; right?

19 A. To the best of my knowledge we did not.

20 Q. You kept saying that there's a 40-year
21 record of safety.

22 Do you recall that?

23 A. I did. I do.

24 Q. I just want to be clear, though. For the

1 first 10 years that Roundup was on the market, its
2 carcinogenicity data was based on data from the IBT
3 Laboratories; correct?

4 A. I've already covered this. The work that
5 was done by IBT was all subsequently redone and vouched
6 for by the independent EPA.

7 Q. Fair enough.

8 And that was in the 1980s; right?

9 A. I don't know when it was. It was early,
10 but I don't know when it was.

11 Q. Specifically 1985. Does that sound right?

12 A. I don't know when it was.

13 Q. So it would be fair to say then for the
14 first 10 years or so of Roundup being on the market,
15 there was at that point no valid carcinogenicity
16 studies on the product until Monsanto actually redid
17 them?

18 MR. TANGRI: Objection. Calls for
19 speculation.

20 A. I have no -- between 1974 and 1984, I have
21 no knowledge of what was and was not available. I'm
22 neither a toxicological expert nor an epidemiologist.

23 BY MR. WISNER:

24 Q. I'm not either, but sometimes I feel like

1 I'm becoming one. All right.

2 So one of the things that came up was --
3 you talked about how approximately \$2 billion of
4 revenue was derived from Roundup sales out of 15.

5 A. Yeah, it's more or less -- it's two or
6 three. Somewhere in that order.

7 Q. I'm not going to hold you to it if you're
8 off by a billion, okay? Don't worry.

9 But my question, though, is -- it would be
10 fair to say, though, that the larger part of that
11 revenue was driven by seed sales; right?

12 A. Unquestionably the seed business was
13 somewhere in the order of \$12 or \$13 billion.

14 Q. You would agree with me the seed
15 business -- that's a genetically-modified organism;
16 right?

17 A. Well, it depends. In Europe, it was all
18 conventional seed and we had a very good position in
19 the conventional seed market, so in areas of the world
20 where there was no biotechnology, we had a good
21 position in conventional seed because the breeding
22 programs and the genetics were exactly the same. There
23 was no difference in the genetics.

24 Q. But a large portion of the seed business

1 that we're discussing -- a large portion of it was from
2 genetically-modified seed?

3 A. Yeah. No, that's right.

4 Q. And the genetically -- genetic
5 modification -- and not for all of the seeds, but for a
6 large chunk of them they're called Roundup Ready;
7 right?

8 A. Yeah, it's -- so Roundup Ready controls
9 weeds, but we also sold two treats that controlled
10 bugs. Bugs above the ground and increasingly pesky
11 bugs that are below the ground that are really hard to
12 control any other way.

13 So usually we were selling Roundup Ready
14 with bug control -- sometimes bug control above and
15 below the ground, but usually Roundup Ready with
16 another insect control.

17 Q. And Roundup Ready -- that means farmers
18 can essentially plant the plant and when they spray
19 Roundup it doesn't harm the plant like it would harm a
20 weed, for example?

21 A. No, that's right, and even farther than
22 that, it allows them to control those weeds when
23 they're very, very small rather than waiting until
24 they're the size of Christmas trees. So you get in

1 early and you can clean that field at a time when the
2 plant is really sensitive to the robbery that's going
3 on as the weed steals water and sunlight and nutrition.

4 Q. So you'd agree with me then if Roundup was
5 banned or restricted, that would effectively render
6 Roundup Ready seeds less profitable; right?

7 MR. TANGRI: Objection. Calls for expert
8 opinion. Calls for speculation.

9 A. If there was no Roundup, it's hard to
10 envisage how you would control a weed in a Roundup
11 Ready crop, but there are other products there.
12 They're just not quite as effective.

13 BY MR. WISNER:

14 Q. Sure. And so I guess what I'm trying to
15 get at is, although the sales of Roundup contributed
16 only \$2 to \$3 billion of a \$15 billion revenue, its
17 regulation and use was intimately connected with the
18 Roundup Ready seeds; correct?

19 A. Yeah, but it's not exclusive.

20 So it's -- as I mentioned in earlier
21 testimony, it's Roundup Ready, but the grower doesn't
22 do his weed control and then reach back for
23 old-fashioned insecticides. If he's made the leap to
24 being Roundup-ready, then he's not applying granules to

1 control his corn root worm and he's not using multiple
2 chemical sprays for the bugs that eat out the core of
3 that plant as well. They mine -- they're actually
4 called leaf miners and corn borers. So they chew their
5 way through that -- corn is the height of an elephant's
6 eye -- they'll munch their way all the way up through
7 the inside.

8 So in the early days there was
9 Roundup-ready and bug control. That's all part of
10 one integrated system now.

11 Q. What is your address here in Missouri?

12 A. My personal address?

13 Q. Yeah, your personal address?

14 MR. TANGRI: You can contact him through
15 us, I think, or through these gentlemen or both.

16 MR. WISNER: I have a right to ask this
17 question. It's pretty par for the course. This is a
18 confidential -- I'd just like your address, sir.

19 MR. TANGRI: Are you comfortable giving
20 that? If you're not --

21 A. I'd rather not.

22 MR. TANGRI: Yeah, then let's not.

23 MR. WISNER: Okay, well, then will you
24 stipulate that if he is subpoenaed for litigation in

1 Missouri, you will accept service on his behalf.

2 Otherwise, we need his address. I mean, it's that
3 simple.

4 MR. TANGRI: Why don't we move on? We'll
5 talk about it at a break and then come back to it. One
6 way or another, we'll sort it out, but I just don't
7 want his --

8 MR. WISNER: Sure. And we're not serving
9 any subpoenas today. Don't worry.

10 MR. TANGRI: And I just don't want his
11 address in the public record, so --

12 MR. WISNER: I found out about that just
13 earlier.

14 BY MR. WISNER:

15 Q. I just want to clarify. You stated that
16 OEHHA was not a regulatory agency. Is that your
17 knowledge or is that -- you don't know if it is?

18 A. I don't know.

19 Q. So there was a discussion -- and there was
20 an exhibit. It's Exhibit 4. If you have it in front
21 of you --

22 A. Oh. Let me -- yes.

23 Q. And this was a news article that was shown
24 to you.

1 Do you recall that?

2 A. I do recall it, yeah. It's my --

3 Q. And if you look up here on the screen,
4 this is the front of it, and the title of it is,
5 Monsanto CEO, quote, Roundup is not a carcinogen.

6 Do you see that?

7 A. I do see them.

8 Q. And this was -- if you look at it, it says
9 March 31st, 2016.

10 Do you see that?

11 A. Yes. Yeah.

12 Q. And that's obviously a picture of
13 yourself; right?

14 A. It obviously is.

15 Q. I'm going to hand you a document. And
16 these are documents that you've seen. They're on your
17 review list. I'm going to hand the first one, which is
18 Exhibit 10.

19 [Exhibit 10 marked for identification.]

20 A. Thank you.

21 Q. Let me know when you're ready to talk
22 about it, sir.

23 A. Yeah, do you mind? I --

24 Q. Sure.

1 A. It may be in my list, but I don't -- let
2 me just quickly go through.

3 Yep.

4 Q. So this is an e-mail exchange that you've
5 reviewed before; correct?

6 A. Yeah, I don't remember this one.

7 Q. Okay, I'll represent to you that this
8 document I believe was on your reliance list that was
9 submitted for this deposition.

10 A. Okay.

11 Q. In any event, I want to draw your
12 attention specifically to the bottom of the first page.
13 Let me know -- the bottom of the paragraph that says
14 the terms.

15 Do you see that?

16 A. Yes.

17 Q. And it reads, the terms glyphosate and
18 Roundup cannot be used interchangeably, nor can you
19 use, quote, Roundup, unquote, for all glyphosate-based
20 herbicides anymore. For example, you cannot say that
21 Roundup is not a carcinogen. We have not done the
22 necessary testing.

23 Do you see that?

24 A. Yes.

1 Q. And it goes, we have not done the
2 necessary testing on the formulation to make that
3 statement.

4 Do you see that?

5 A. I see that on the top of the page, yeah.

6 Q. And this was written by Dr. Donna Farmer;
7 correct?

8 A. Yes.

9 Q. Dr. Donna Farmer -- she's a toxicologist
10 within Monsanto?

11 A. She is.

12 Q. She knows more about Roundup science and
13 data than you; right?

14 A. I'm sure she does.

15 Q. In fact, Donna Farmer and other people at
16 Monsanto are scientists that you would rely upon for
17 knowing the science and safety of Roundup; right?

18 A. Yes, she would be an expert in the field.

19 Q. So I just want to point out there seems to
20 be an incongruency here. I mean, you're saying on
21 Exhibit 4, Monsanto CEO, Roundup is not a carcinogen,
22 and this expert is saying, you cannot say that Roundup
23 is not a carcinogen. So who's right here, you or Dr.
24 Farmer?

1 MR. TANGRI: Objection. Assumes facts.

2 A. So this was an exchange 12 -- actually, 15
3 years ago between Donna and somebody in India, so my
4 reflection on the headline of the statement I made
5 was -- I can't remember the date.

6 BY MR. WISNER:

7 Q. March 31st, 2016.

8 A. 2016. So it was 13 years later -- was
9 based on the continued conclusion from around the
10 world -- in the U.S., in Canada, in Europe. There was
11 continued support for the safety of the product.

12 So Dr. Farmer splits Roundup into multiple
13 herbicides. But I think even if you look at the
14 conclusions from the AHS study with Roundup, they would
15 conclude that it is not a carcinogen. So I don't -- I
16 mean, she didn't have the opportunity at that time to
17 opine on it, so I don't know what she would say today.

18 Q. Do you know if since the date of this
19 e-mail, November 2003, whether or not Monsanto has
20 conducted a single carcinogenicity study on either
21 glyphosate or Roundup? Do you know?

22 A. I am not sure, no.

23 Q. I'll represent to you the last time
24 Monsanto studied the carcinogenicity in a long-term

1 study was in 1991. It's actually in Exhibit -- it's in
2 Exhibit -- well, I don't know what number. I think it
3 was 3.

4 But if I represent to you that fact it's
5 been admitted by Monsanto, the science really hasn't
6 changed since when she said this.

7 Isn't that true?

8 A. But what Dr. Farmer says is -- she makes
9 the statement that the formulations are all different
10 and the regulatory authorities for Monsanto, for Bayer,
11 for DowDuPont, the regulatory authorities look at the
12 active ingredient and then the co-formulants that go
13 with it. And part of the reason for that is because
14 there's differences between these formulations and the
15 formulations change as well.

16 Q. I'm handing you Exhibit 11.

17 [Exhibit 11 marked for identification.]

18 A. Thank you.

19 Q. One for your counsel as well.

20 MR. TANGRI: Thanks.

21 BY MR. WISNER:

22 Q. Let me know when you're ready to discuss
23 it. If you need to -- do you need to review it, sir?

24 A. Yeah, let me just quickly -- there's a lot

1 in this.

2 Okay.

3 Q. So this is another e-mail exchange that
4 you've actually reviewed before; correct?

5 A. I've seen this one, yes.

6 Q. And again, we have Dr. Donna Farmer on the
7 top of the e-mail exchange.

8 Do you see that?

9 A. Yes, I do.

10 Q. And this is in 2009; right?

11 A. Yeah.

12 Q. So now we're six years after the last
13 e-mail?

14 A. After India.

15 Q. And I want to bring your attention to this
16 paragraph. It says or this.

17 Do you see that paragraph, sir?

18 A. Or this. Yeah.

19 Q. You cannot say that Roundup does not cause
20 cancer. We have not done carcinogenicity studies with,
21 quote, Roundup, unquote.

22 Do you see that?

23 A. Yes.

24 Q. So this is now -- this is closer in time

1 to when you told the world that Roundup is not a
2 carcinogen; right?

3 A. But in the next sentence she says, will
4 Roundup harm my family or me? Based on the results of
5 short-term and long-term testing, it can be concluded
6 that Roundup poses no danger to human health when used
7 at long-term exposure -- is this Donna saying this? In
8 long-term exposure studies, of animals, Roundup did not
9 cause cancer, birth defects, or adverse reproductive
10 changes.

11 [Interruption by the reporter.]

12 A. Oh, I'm sorry. I forgot. I apologize.

13 Based on the results of short-term and
14 long-term testing and long-term exposure studies of
15 animals, Roundup did not cause cancer.

16 Q. Are you done, sir?

17 A. I am.

18 MR. WISNER: So you didn't answer my
19 question, so I'm going to move to strike your answer as
20 nonresponsive.

21 BY MR. WISNER:

22 Q. My question to you was, this e-mail, dated
23 2009, is closer in time to when you told the world
24 Roundup is not a carcinogen; correct?

1 A. I would agree with your timeline.

2 Q. Okay.

3 A. I was just pointing out that Donna
4 contradicts herself between the two points.

5 Q. Okay. So I want to get something straight
6 here.

7 We have this timeline that we've worked
8 up; right? And so we have these two e-mails from Dr.
9 Farmer, dated 2003, 2009. We have this statement that
10 you made publicly in 2016; right?

11 A. In this interview.

12 Q. So let's talk about some of the other
13 things that are different between when you said this to
14 the world and when Dr. Donna Farmer said this in these
15 e-mails; right?

16 So one of the differences was, well,
17 Monsanto got sued by people who alleged that Roundup
18 caused their non-Hodgkin's lymphoma; correct?

19 A. Recently, yes.

20 Q. And another difference between when you
21 said this and when Dr. Donna Farmer said this is the
22 International Agency for Research on Cancer concluded
23 that Roundup was a probable human carcinogen; correct?

24 A. Yes, and in the same time frame, if you're

1 looking at chronology, a number of the major regulatory
2 agencies around the world concluded, strikingly amongst
3 them, Europe and the German authorities within Europe,
4 that it was not a carcinogen in the same time frame.

5 Q. Sir, I didn't ask you about regulatory
6 authorities. Why did you bring that up? Is that
7 something you've been told to say?

8 A. No, you chose two memos six years apart
9 and the IARC time point, and I was simply saying that
10 in that time frame there were regulatory agencies
11 around the world that vouched for the safety of the
12 product as well.

13 Q. And, you know, another thing was happening
14 actually when you said this to the world. I believe
15 you were in negotiations with Bayer for them to buy
16 Monsanto; right?

17 A. I -- in March of 2016 -- no, we weren't.

18 Q. You guys had already come to an agreement?

19 A. No. In March -- I think -- from my memory
20 -- I think Bayer approached us in the May time frame of
21 2016, so we weren't in negotiations with Bayer at that
22 time, no.

23 Q. Fair enough.

24 But Monsanto was actually taking bids from

1 various other chemical companies for a potential
2 acquisition; correct?

3 A. We were not.

4 Q. Okay.

5 MR. TANGRI: I'm sorry. I want to make
6 sure I heard his answer clearly. You said we were not?

7 A. We were not.

8 MR. TANGRI: Thank you, that's --

9 MR. WISNER: Yeah, I heard it.

10 MR. TANGRI: Okay, good. I couldn't
11 because he was facing you.

12 MR. WISNER: Oh, okay. Fair enough. Like
13 is that what he said?

14 BY MR. WISNER:

15 Q. So I just want to be clear then. Should
16 the jury believe Dr. Donna Farmer, a toxicologist, an
17 expert, or you, a CEO who is about to begin
18 negotiations with acquisitions with Bayer?

19 MR. TANGRI: Objection. The question
20 lacks foundation. Assumes facts not in evidence.

21 A. Let me be really clear.

22 We were not about to begin negotiations
23 with Bayer. Bayer approached us in mid-May. It was
24 right around the time a new CEO at Bayer, and their

1 approach was a complete surprise to us.

2 So there was no preamble or buildup to
3 this. It was completely out of the blue.

4 BY MR. WISNER:

5 Q. How much --

6 A. So there was not a linkage in these as you
7 would suggest.

8 Q. How much did Bayer pay for Monsanto?

9 A. They paid \$128 a share, so it was at --
10 the acquisition price for buying the whole company was
11 \$63 billion, I think, or \$60-something billion.

12 Q. So over \$60 billion --

13 A. Over \$60 billion, yes.

14 Q. Now, we talked about a minute ago that
15 it's important -- and you've said this repeatedly --
16 that Monsanto is a science-based company; right?

17 A. Yes, the heart of everything we do.

18 Q. You'd agree that it is unscientific to
19 make a conclusion about something before you have seen
20 the reasons for it; right?

21 A. Maybe you could say a little bit more --
22 that sounds -- that's a big hypothesis.

23 Q. Really? I thought it was pretty
24 straightforward.

1 You agree it's not scientific to come to a
2 conclusion before you've seen the science; right?

3 MR. TANGRI: Objection. Asked and
4 answered, argumentative, and incomplete hypothetical.

5 A. Maybe if you just reduced it one click.

6 BY MR. WISNER:

7 Q. Sure. One second.

8 MR. WISNER: He actually didn't answer.
9 He actually just asked me to repeat it.

10 MR. TANGRI: No, he didn't ask you to
11 repeat it. He said it was too broad a question to
12 answer, so he answered it.

13 MR. WISNER: Okay. In any event --

14 BY MR. WISNER:

15 Q. Let me try this again.

16 A. Sure.

17 Q. You'd agree it's unscientific to come to a
18 scientific conclusion before seeing the science; right?

19 MR. TANGRI: Objection. Asked and
20 answered, overbroad, and an incomplete hypothetical.

21 A. Maybe if you said just a little bit more
22 about seeing the science. That's --

23 BY MR. WISNER:

24 Q. I mean, what's unclear about my question,

■ [REDACTED] [REDACTED]

■ [REDACTED]

3 Q. So the -- before the jury sees your
4 testimony, they're going to have a chance to have seen
5 testimony from other witnesses as experts and things
6 like that.

7 A. Yeah.

8 Q. And I want to ask you a few sort of
9 general questions; okay?

10 A. Yes.

11 Q. Are you familiar with -- I mean, we've
12 talked about it earlier, but the story involving
13 Industrial Bio-Test Laboratories. Are you familiar
14 with that?

15 A. Only that it existed then. That the data
16 was fraudulent in the 1970s or the 1980s and was
17 redone.

18 Q. And your testimony as the former CEO of
19 Monsanto that there was nothing wrong with what
20 Monsanto did or did not do with the IBT?

21 MR. TANGRI: Objection. Mischaracterizes
22 and calls for speculation.

23 A. I'm not familiar with the history.

24 BY MR. WISNER:

1 Q. Fair enough.

2 I'm going to go through a bunch of things,
3 but before I do, let me just ask you a general
4 question.

5 A. Please.

6 Q. In the 40 years you've been at Monsanto,
7 do you have any criticisms about the way Monsanto has
8 treated the carcinogenicity data of Roundup?

9 MR. TANGRI: Objection. Overbroad.

10 A. I don't -- I have no reason to criticize
11 our treatment of data.

12 BY MR. WISNER:

13 Q. So the scientists that work at Monsanto --
14 they've done a good job in your view?

15 MR. TANGRI: Objection. Overbroad. Calls
16 for speculation.

17 A. We were an organization at 23,000 people.
18 I've been there -- I was there 37 years. So I -- it's
19 hard to represent every scientist in every day for 37
20 years times tens of thousands, but the ethical stance,
21 the culture at Monsanto, the adherence to science, the
22 level of engagement of our organization, are all things
23 that I was immensely proud of.

24 BY MR. WISNER:

1 Q. I'm going to go through a couple of the
2 scientists at Monsanto.

3 A. Okay.

4 Q. You know Dr. Donna Farmer?

5 A. I did.

6 Q. And you would agree she was somebody who
7 helped guide the science behind Roundup?

8 A. I think that was her -- I think she was a
9 toxicologist.

10 Q. And she played an important role in doing
11 that; right?

12 A. She was one of a team, but she's an
13 important role on them.

14 Q. And Dr. William Heydens. Do you know who
15 that is?

16 A. Yeah, I don't -- I didn't know William
17 Heydens.

18 Q. You didn't know Dr. Heydens?

19 A. I did not know Dr. Heydens.

20 Q. Oh, wow. He was Dr. Donna Farmer's boss
21 for a while. You never interacted with Dr. Heydens?

22 A. I never -- I didn't interact with Donna
23 Farmer very much either, but --

24 Q. But you know of her?

1 A. But I could pick her out of a crowd, yeah.

2 Q. So you don't know about Heydens. What
3 about Dr. Daniel Goldstein?

4 A. Yes, I knew Dr. Goldstein. He was --

5 Q. And he was a -- sorry.

6 A. Sorry, go ahead.

7 Q. He was a scientist at Monsanto?

8 A. He was a scientist. He was also a
9 pediatrician. He was a medical doctor.

10 Q. He was the Monsanto pediatrician; right?

11 A. Yeah, I guess. Yeah.

12 Q. That was the title on his blog; right?

13 A. Oh, I don't know what his title -- I have
14 no idea.

15 Q. Do you have any criticisms of Dr.
16 Goldstein's conduct or actions while at Monsanto?

17 MR. TANGRI: Objection. Overbroad and to
18 the extent it calls for speculation.

19 A. You're going to -- I -- in general, no,
20 but I can't comment on specifics without a specific
21 reference.

22 BY MR. WISNER:

23 Q. Sure. So just standing here today you
24 don't have anything that comes to mind?

1 MR. TANGRI: Same objections.

2 A. Again, if -- I don't know these
3 individuals. I could pick them out of crowds, but if
4 you have a specific reference, then I could react to
5 them.

6 BY MR. WISNER:

7 Q. Sure, and I will give you specifics later.
8 I just --

9 A. All right.

10 Q. Now you don't have anything that comes to
11 mind? That's all I'm trying to establish.

12 A. No.

13 Q. Do you know Michael Koch?

14 A. No.

15 Q. David Saltmiras?

16 A. No.

17 Q. Daniel Jenkins?

18 A. No.

19 Q. Todd Rands?

20 A. Yes. He's a lawyer.

21 Q. Sam Murphey as well?

22 A. Yes.

23 Q. You know those two?

24 A. I know them both.

1 Q. You would agree with me that although
2 they're not scientists, they have important roles
3 within Monsanto in guiding Monsanto's strategies;
4 right?

5 MR. TANGRI: Objection. Ambiguous.

6 A. They have relatively important roles. Sam
7 was -- he was a new employee or relatively new
8 employee.

9 BY MR. WISNER:

10 Q. And you know who Jim Guard is?

11 A. No.

12 Q. Bill Reeves?

13 A. No.

14 Q. You don't know who Bill Reeves is?

15 A. I don't.

16 Q. How about David Heering? Do you know who
17 that is?

18 A. I didn't know him. I knew what he did.
19 He was in the Roundup group.

20 Q. And do you know what he did in the Roundup
21 group?

22 A. I do not.

23 Q. How about John Acquavella?

24 A. John who?

1 Q. John Acquavella. Do you know who that is?

2 A. No, I saw John Acquavella's name in
3 documents that I reviewed, but prior to this I had
4 no -- I'd never heard the name.

5 Q. Do you know Mark Martens or "Mar-tens"? I
6 think it's pronounced differently.

7 A. No. No.

8 Q. Okay. He was in Brussels.

9 A. I was going to say, it sounds Belgian, but
10 no, I don't know.

11 Q. What about Eric Sachs?

12 A. I know Eric, yeah.

13 Q. And what --

14 A. He was a scientist.

15 Q. Yeah.

16 Do you know what Dr. Sachs did?

17 A. He was in -- he engaged with -- so he was
18 stakeholder engagement and communications, or
19 scientific communication, I think. I don't -- beyond
20 that I don't know.

21 Q. So the jury's going to heard testimony
22 from a lot of these people that I just listed.

23 A. Okay.

24 Q. Not necessarily all of them, but they're

1 going to hear testimony from all of them -- some of
2 them. And they're going to hear about different
3 stories is what we're going to call them within
4 Monsanto and I was going to see if you know anything
5 about these issues or not; okay? And if you do, we'll
6 explore it. If you don't, we'll leave it alone.

7 A. Okay.

8 Q. The first issue is when Monsanto redid the
9 animal carcinogenicity studies following the IBT
10 situation --

11 A. Yes.

12 Q. -- there was an initial finding by the
13 EPA regarding the study and whether or not it could
14 cause tumors. Do you know anything about that?

15 A. No.

16 Q. Have you heard of -- and I saw this in
17 your documents. You've heard of Dr. James Parry?

18 A. I had never heard of James Parry until
19 preparation for this meeting, so I don't know him, but
20 I read some of his work.

21 Q. And you've gone through these documents
22 and you sort of know the James -- the Dr. Parry story;
23 right?

24 A. I don't know.

1 MR. TANGRI: I was going to say,
2 objection, ambiguous, but you can answer.

3 A. I don't know how you'd characterize the
4 doc -- you'd have to show me the documents.

5 BY MR. WISNER:

6 Q. I mean, I don't want to spend two hours
7 going through the documents. We've done this a
8 bazillion times with other witnesses. I'm just saying
9 you generally know what plaintiffs allege occurred with
10 Dr. Parry; is that fair?

11 MR. TANGRI: Objection. Calls for
12 speculation.

13 A. I -- if we're going to talk about Dr.
14 Parry, I'd like to see the documents if you don't mind.

15 BY MR. WISNER:

16 Q. Okay. So sitting here right now you don't
17 recall the story involving Dr. Parry? Just you
18 couldn't say it in one sentence or two sentences?

19 A. I recall some of it, but I would be -- I
20 looked at hundreds of documents in a very short space
21 of time, so rather than pulling the names out, it would
22 be helpful to see the --

23 Q. Based -- fair enough.

24 Based on what you know of the Dr. Parry

1 situation, do you think that Monsanto did anything
2 wrong?

3 MR. TANGRI: Objection. Lacks foundation.
4 Calls for speculation.

5 A. I'm not going to speculate on what
6 happened until I get a chance to sit down and go
7 through the documents.

8 BY MR. WISNER:

9 Q. I'm not asking you to speculate what
10 happened. Based on what you have looked at -- you said
11 you've looked at hundreds of documents. Do you believe
12 that Monsanto did anything wrong? Yes or no?

13 MR. TANGRI: With -- objection. Brent, do
14 you mean with regard to Parry or --

15 MR. WISNER: Fair enough. I'll specify --

16 MR. TANGRI: Sorry. I just --

17 MR. WISNER: No, fair enough. I'll
18 clarify the question.

19 MR. TANGRI: I don't generally do that,
20 but --

21 MR. WISNER: I think it fell naturally in
22 the context, but I get it. I got it.

23 BY MR. WISNER:

24 Q. Having reviewed documents related to Dr.

1 James Parry and Monsanto's work with him, do you
2 believe that Monsanto did anything wrong with regards
3 to that situation?

4 A. Monsanto being the scientists who worked
5 with him?

6 Q. Yeah, Monsanto the scientists, Monsanto
7 the executives, anybody. Do you think anyone did
8 anything wrong with that?

9 A. Based on the review that I saw, I didn't
10 see anything wrong with him.

11 Q. Are you familiar with Dr. Seralini?

12 A. I've heard of Seralini. I'm not familiar
13 with him.

14 Q. Are you familiar with whether or not
15 Monsanto was involved in getting a Seralini article
16 retracted in 2012?

17 A. I know that some of the science around the
18 Seralini work was very, very shaky.

19 Q. And based on what you know about the
20 Seralini publication and retraction, do you believe
21 that Monsanto did anything wrong there?

22 A. I have no knowledge.

23 Q. You understand that following IARC, the
24 California EPA initiated a Proposition 65 warning?

1 A. I am. My understanding is that's an
2 automatic trigger after an IARC ruling, so it's not
3 passive. They do it automatically.

4 Q. Sure. And you understand that Monsanto
5 filed a lawsuit against OEHHA for doing that?

6 A. I didn't realize it was OEHHA, but I knew
7 that there was a lawsuit filed, yes.

8 Q. And you obviously in your capacity as CEO
9 were involved in decisions related to that lawsuit;
10 right?

11 MR. TANGRI: Objection. Assumes facts.
12 Calls for speculation. And Mr. -- let me just caution
13 you, Mr. Grant, on that one. I don't mind if he
14 answers that. If he -- I mean if he knows --

15 MR. WISNER: I'm not going farther.

16 MR. TANGRI: -- yes or no, but I don't
17 want there to be any claimed waiver by virtue of his
18 saying yes or no.

19 MR. WISNER: Fair enough. I wasn't going
20 to go much farther than that. We're worried about you
21 waiving privilege.

22 MR. TANGRI: I don't want you to waive
23 privilege if you know of lawsuit-related stuff through
24 communications with Monsanto's lawyers. I don't want

1 you to blurt that out. So I think the question was,
2 were you involved with the decision to file that
3 lawsuit, and I don't mind you answering that yes or no
4 at that high level, but I don't -- if the answer turns
5 out to be yes, which I don't know, you -- I don't want
6 you disclosing communications around it. Does that --
7 you follow that?

8 A. I do follow it.

9 MR. WISNER: So let me re-ask the
10 question.

11 MR. TANGRI: Fine.

12 MR. WISNER: You can renew your objection
13 and we can get an answer.

14 MR. TANGRI: Yeah.

15 BY MR. WISNER:

16 Q. Were you involved in the decision to sue
17 OEHHA under -- with regards to Proposition 65?

18 MR. TANGRI: And same privilege
19 instruction. He can answer this, but no waiver.

20 A. Thank you.

21 MR. TANGRI: Yes or no.

22 A. I don't think I was, no.

23 BY MR. WISNER:

24 Q. Based on what you know about that lawsuit

1 and what happened, do you think that Monsanto did
2 anything wrong?

3 A. Based on what I know, I do not.

4 Q. You understand that there was an effort by
5 the ATSDR within the CDC to look at glyphosate in 2015?

6 A. That is a lot of acronyms in one sentence.
7 Can you just --

8 Q. Sure.

9 A. I don't recognize the --

10 Q. Okay.

11 A. -- either of the acronyms.

12 Q. All right. Maybe you don't know. That's
13 fine. Do you know that a division within the CDC was
14 going to look at potentially the carcinogenicity of
15 glyphosate in 2015?

16 A. I did not.

17 Q. So you know nothing about that?

18 A. No.

19 Q. You do know -- did you know that Monsanto
20 has never conducted a long-term animal carcinogenicity
21 study on Roundup? Did you know that?

22 MR. TANGRI: Objection. Asked and
23 answered.

24 A. We've covered this multiple times today.

1 BY MR. WISNER:

2 Q. To clarify, we actually haven't, so maybe
3 you misunderstood my question.

4 A. Maybe --

5 Q. He was asking about epidemiology. This is
6 a different question. So in case you thought I was
7 asking the same question, I'm not.

8 A. I thought you were asking the same
9 question. Thank you.

10 Q. Yeah, no, I'm not. And so I didn't want
11 to go down that rabbit hole.

12 A. No, I thought you were asking the same
13 question. So what's the new question?

14 Q. So the question is, are you aware that
15 Monsanto has never conducted a long-term animal
16 carcinogenicity study on the formulated Roundup
17 product?

18 MR. TANGRI: Objection to the extent the
19 question is ambiguous.

20 A. I am aware that those studies are always
21 framed by regulators requesting the active ingredient,
22 so I don't know if we have or have not, but I do know
23 that we've completed those studies under the auspices
24 and the requests of agencies like EPA, where they look

1 at that testing component by component.

2 BY MR. WISNER:

3 Q. And do you think there's anything wrong
4 with the fact that Monsanto has never done a long-term
5 animal carcinogenicity study on the formulated Roundup
6 product?

7 MR. TANGRI: Objection. Lacks foundation.

8 A. I can't say one way or the other. I can
9 tell you that Monsanto has done -- has met every
10 requirement of the regulatory agencies around the
11 world, and those agencies are setting not a minimum
12 standard. They're designing protocols and tests that
13 are designed to give them enough confidence to vouch
14 for the carcin -- the absence of carcinogenicity of a
15 product. And I am -- I'm very comfortable and very
16 proud of the work that's been done, though.

17 BY MR. WISNER:

18 Q. You understand that one of the allegations
19 plaintiffs have made against Monsanto is that it has
20 engaged in ghostwriting? You understand that?

21 A. As a result of the preparation for the
22 deposition this afternoon, I have heard that term and
23 I've seen some documents.

24 Q. You've seen documents, for example, by Dr.

1 Heydens, for example?

2 A. I saw Dr. Heydens's documents.

3 Q. You saw another document maybe with Dr.
4 Koch? Did you see that?

5 A. I don't think so.

6 Q. Well, in any event, having reviewed these
7 documents, it's very simply -- do you think that
8 Monsanto has done anything wrong as it relates to
9 ghostwriting?

10 A. I haven't reviewed the documents. I am
11 satisfied that Monsanto did not ghostwrite. Although
12 that was covered in the memos, I feel confident in the
13 final outcome on what Dr. Heydens did.

14 Q. So you looked at what he did and you think
15 it was okay?

16 A. I looked -- are you going to -- are we
17 going to look at this in documents?

18 Q. I'd rather not if we can avoid it, but
19 unless -- if you want to go down this rabbit hole, we
20 can. I'm just trying to make sure that you've reviewed
21 the documents and you've concluded, as the former CEO
22 of Monsanto, that you don't think Dr. Heydens did
23 anything inappropriate.

24 A. I think it may be worth looking at the

█ [REDACTED]

13 BY MR. WISNER:

14 Q. I'm going to hand you another document.
15 It's Exhibit 17 to your deposition.

16 [Exhibit 17 marked for identification.]

17 Q. It's another one of those documents that
18 was on the list.

19 A. Thank you. There you go.

20 Q. Take a look at it and let me know when
21 you're ready to talk about it.

22 A. Yeah, I've been through.

23 Q. So this is another series of e-mail
24 exchanges. I believe this is also on your reliance

1 list. Do you recall seeing it, sir?

2 A. I think the -- yeah, the reference at the
3 start -- I think I remember that, yeah.

4 Q. And this is a series of e-mail exchanges
5 between Dr. Goldstein again?

6 A. Yes.

7 Q. And, again, this guy Bruce Chassy; right?

8 A. Yeah, it's the same Bruce Chassy. Yeah.

9 Q. And this time, though, copied on the
10 e-mail is Eric Sachs and Donna Farmer; right?

11 A. Yes.

12 Q. And those are two scientists that you
13 actually know?

14 A. Yeah, I don't -- I could identify them,
15 yeah. I haven't worked with them, but --

16 Q. And if you see that the subject of the
17 e-mail is another mole needing a whacking. Do you see
18 that?

19 A. Yes.

20 Q. So if you look at the genesis of this
21 e-mail, it basically starts with an article written on
22 March 1st, 2010. Do you see that?

23 A. Yes.

24 Q. And in this article, the author is making

1 claims about the dangers of genetically modified foods;
2 right?

3 A. In the scientific article?

4 Q. Yeah, or in this article. He's talking
5 about the risks of GMO foods, specifically as it
6 relates to children. Do you see that?

7 A. Yeah, that's the strange thing, because
8 the article is -- based on my speed read -- and I don't
9 remember -- the article is about genetically modified
10 foods. It's not about Roundup. It's about soy
11 proteins in infant diets. So it's -- yeah, so this is
12 a GMO article.

13 Q. And I just want to be clear. And I think
14 this is really important for the jury to understand.
15 Monsanto doesn't treat the safety of its GMO products
16 any differently than the way it treats the safety of
17 Roundup; right?

18 MR. TANGRI: Objection. Overbroad.

19 A. When you say -- well, it's back to what we
20 talked about a few times today. The regulatory
21 environment for GMOs for biotech crops is managed by
22 the EPA, the FDA, and the USDA. So it's a similar
23 construct, but the triangle between the three agencies
24 is used because these are food crops.

1 And what this article refers to is the soy
2 protein in baby foods and the importance of an
3 early diet, and that has been exhaustively studied. It
4 also suggests that these genes somehow managed to jump
5 within children and that clearly is not the case. This
6 is the kind of argument, if you eat spinach, you become
7 spinach. So it's -- this is factually flawed.

8 BY MR. WISNER:

9 Q. Sir, I don't mean to be rude, but do you
10 know what question I actually asked you?

11 A. No. Actually, it was -- I suddenly
12 realized that this -- you were talking about
13 glyphosate, but this is a GM crop article.

14 Q. No, I understand, but do you remember the
15 question I asked you?

16 A. I don't know.

17 Q. Let's have the court reporter read it back
18 and see if you can answer it.

19 MR. TANGRI: And read back the first part
20 of his answer, too, because I think the first part of
21 his answer did answer it.

22 [The requested portion of the transcript
23 was read by the reporter.]

24 BY MR. WISNER:

1 Q. Great. And so you proceeded to give me a
2 discussion about regulatory agencies. You talked about
3 the genetic chop (ph), jumped over in the article, and
4 a bunch of other things. I really didn't ask about any
5 of that. And I appreciate your answer.

6 So my question is really straightforward,
7 and that is, from a scientific -- and you can object to
8 all the preamble. That's fine. My question is --

9 MR. TANGRI: Done.

10 BY MR. WISNER:

11 Q. My question is, from a scientific
12 perspective and from an intention to provide safe
13 products, Monsanto doesn't treat GMO products --
14 Monsanto doesn't treat GMO products differently than
15 its pesticide products; right? It engages in the same
16 practice of science and safety; right?

17 MR. TANGRI: Objection to the extent it's
18 overbroad, but you can answer.

19 A. And that's -- I maybe didn't do a very
20 good job, sir, but that's what I was trying to explain.
21 Monsanto adheres to the same high scientific standards.
22 The regulatory agency -- because GMOs are a seed and a
23 food crop, they're examined by three agencies
24 simultaneously.

1 BY MR. WISNER:

2 Q. Great.

3 A. That's the difference. So that's a
4 shorter answer of the same spirit.

5 Q. And you would agree -- oh, sorry. Do you
6 want to keep going?

7 A. I was just going to say -- no, that's
8 fine. That's fine.

9 Q. Okay. All right. And you would agree Dr.
10 Goldstein, Dr. Farmer, Dr. Sachs -- these are all
11 scientists at Monsanto that specifically worked on
12 Roundup as well; right?

13 MR. TANGRI: Objection to the extent it
14 calls for speculation.

15 A. I don't know the breadth of their purview.
16 I don't know.

17 BY MR. WISNER:

18 Q. All right, hold on. You know Dr. Farmer
19 worked on Roundup; right?

20 A. I do, but I don't know what else she
21 worked on and I know that Dr. Goldstein was the
22 pediatrician, so if there was a discussion on
23 children's diets, I would assume as a pediatrician he
24 would have an input on that. So I don't know the

1 breadth of their responsibilities.

2 BY MR. WISNER:

3 Q. Sure. And I didn't ask you to define the
4 breadth. I just asked you, you understand that those
5 three scientists worked on Roundup; right?

6 MR. TANGRI: Objection to the extent it
7 calls for speculation.

8 A. I know that they worked on glyphosate. I
9 don't know if they -- what they did on GMOs, which is
10 what the article is about.

11 BY MR. WISNER:

12 Q. So after this article was written, we have
13 this e-mail from Bruce Chassy. It's to Dan Goldstein
14 and Dr. Sachs, and it says Dan, this is like playing
15 Whack-A-Mole at the carnival. Jeff's back again.
16 We'll be working on this, too. Isn't freedom of speech
17 wonderful? Bruce. Do you see that?

18 A. Is that the first page or the second page?

19 Q. Second page.

20 A. Oh, yeah. I was on the wrong page. Yes,
21 I see that.

22 Q. And then in response Dan writes a
23 response; right?

24 A. Yes, he does.

1 Q. I shouldn't call him Dan. He's a
2 physician. Dr. Goldstein writes a response; right?

3 A. He does.

4 Q. And he copies on this response. He adds
5 in Dr. Farmer. Do you see that?

6 A. She -- yeah, she's copied as well as
7 Dr. -- I assume he's a doctor -- Eric Sachs also.

8 Q. And it says two comments. One, funny you
9 should say that. Donna Farmer, glyphosate tox, and I
10 have been playing Whack-A-Mole for years and calling it
11 just that. We were joking about it yesterday. Do you
12 see that?

13 A. I do.

14 Q. As these -- you were the CEO of Monsanto
15 at this time, 2010?

16 A. Yes. Yeah, I had been the CEO for a
17 number of years. Yeah.

18 Q. Do you think it's appropriate for these
19 scientists within Monsanto to be playing Whack-A-Mole
20 with science and joking about it?

21 MR. TANGRI: Objection to the extent it
22 mischaracterizes the document and to the extent it
23 calls for speculation.

24 A. I can't speculate what they thought of at

1 the time with Whack-A-Mole. It's less inflammatory
2 than some of the other pieces that we've looked at.
3 And I think it refers -- this GMO article and the idea
4 that if you eat spinach, you become spinach. It maybe
5 underlies that they see a lot of these unusual
6 artifacts.

7 BY MR. WISNER:

8 Q. Sir, I actually don't need you to
9 speculate at all.

10 A. I thought you were asking me to.

11 Q. Well, because -- I didn't actually,
12 because it's written in black and white. We have the
13 benefit of words, and it says here, funny you should
14 say that. Donna Farmer, glyphosate tox, and I have
15 been playing Whack-A-Mole -- it's in big, bold, black
16 letters --

17 A. Yes, it is.

18 Q. -- for years and calling it just that. We
19 were joking about it yesterday.

20 So we know what Dr. Goldstein said. My
21 question for you is, as the CEO, as this person's boss,
22 Daniel Goldstein's boss, do you think it's appropriate
23 that he and Dr. Farmer are playing Whack-A-Mole with
24 science and joking about it?

1 MR. TANGRI: Objection. Mischaracterizes
2 the document. Calls for speculation. And assumes
3 facts not in evidence.

4 A. If I look at the entirety of the
5 document -- so we've studied the first bullet point.
6 If you look at the second one, I think it underscores
7 some of his frustration. And I don't think
8 Whack-A-Mole is great language, but I think you see Dr.
9 Goldstein's second point, which is much more linked to
10 his scientific expertise in looking at childhood diets
11 and infants and changes in diet. So I don't think the
12 first bold piece is very illustrative of his considered
13 opinion in the second one.

14 BY MR. WISNER:

15 Q. Well, I mean, sir, I actually asked you
16 about Bullet Point 1 and then you proceeded to talk
17 about Bullet Point 2.

18 A. That's correct.

19 Q. Okay. Fine. I understand you wanted to
20 do that. But my question to you really wasn't about
21 Bullet Point 2. It was about Bullet Point 1. And I
22 simply asked you, as the CEO, this guy's boss, do you
23 think it's appropriate that they're telling this
24 third-party scientist that they've been playing

1 Whack-A-Mole for years with science and joking about
2 it?

3 MR. TANGRI: Objection. Mischaracterizes
4 the document. Calls for speculation. Assumes facts
5 not in evidence. And asked and answered.

6 A. Yeah, we -- so I've been through this once
7 already. You're right. I linked Point 1 and Point 2
8 because Point 2 contains the body copy of a scientific
9 view. Whack-A-Mole is not a scientific view, but I
10 think it underscores the frustration that these
11 scientists are going through when every day they're
12 seeing a new theory. And this is the one on if you
13 eat -- the shorthand is if you eat spinach, you become
14 spinach. It's kind of the Lamarckian view of the
15 world. So I think that's what Point 2 linked to Point
16 1 is trying to cover.

17 BY MR. WISNER:

18 Q. I mean, you say Point 2 is about the
19 scientific problems. I mean, let's see what he
20 actually says here. He says -- I mean, he says, for
21 example, at the very bottom, this did not obviously
22 from one of my Asian families, nor from the Caucasian
23 families that had adopted Korean orphans, which is
24 interesting. Dot, dot, dot. They seem to have

1 built-in assumptions that it must be okay for Korean
2 kids to eat Asian food. You are what you eat; ergo,
3 it's good to eat what you are? Question mark.

4 I mean, is that a scientific explanation?

5 MR. TANGRI: Objection to the extent it
6 calls for speculation and it mischaracterizes the
7 document.

8 A. Yeah, I'm neither a pediatrician nor am I
9 a nutritionist, but I think the entire couple of pages
10 is summarized -- and again, with the caveats of my
11 scientific knowledge -- you are what you eat; ergo,
12 it's good to eat what you are? It's this paper from --
13 I don't know who the paper is written by. Jeffrey
14 Smith.

15 BY MR. WISNER:

16 Q. Well, you would agree, sir, that playing
17 Whack-A-Mole with science -- that sure looks a lot like
18 discomfoting our opposition; right?

19 MR. TANGRI: Objection. Mischaracterizes
20 the document. Calls for speculation.

21 A. I don't know how to represent
22 Whack-A-Mole. I can tell you that if I look at these
23 four bullet points -- actively telling our story. I
24 think what he's saying here is he and Dr. Farmer have

1 been covering these issues for years. Building the
2 right relationships. I don't know the relationship
3 that they had with Bruce Chassy and -- yeah, Bruce
4 Chassy.

5 And then if you can just put that back up
6 again?

7 BY MR. WISNER:

8 Q. Oh, sure. I didn't know you were still
9 going. Go for it.

10 A. And I mentioned earlier -- I talked about
11 discomfoting our opposition, and whilst that's how
12 this reads, I can tell you that the interactions that
13 we had with Moms Across America and with -- in general
14 and Zen Honeycutt specifically, that is not how we
15 behaved. It was respectful. It was -- her exchanges
16 at our annual meeting were very long, and I was
17 entirely engaged with her during this time, so I don't
18 think she was discomfoted, but that's for her to
19 opine.

20 Q. Well, I mean, let's be honest, sir.
21 You're talking about your personal experience with Mrs.
22 Honeycutt. These people who worked for you -- they're
23 having a very different conversation than what's
24 happening in the boardroom where you worked; right?

1 A. I think --

2 MR. TANGRI: Objection. Calls for
3 speculation.

4 A. I think at the meeting -- at one of those
5 meetings with -- I don't know --

6 BY MR. WISNER:

7 Q. Can I take this down or do you want to
8 still have this?

9 A. No, you can take it down. I think we've
10 covered it twice. The -- I was going to say this
11 wasn't simply in the boardroom or my personal
12 interactions. Actually, during our annual shareholder
13 meeting -- I don't know if it was both together or in
14 separate years -- but both Dr. Goldstein and Donna
15 Farmer were part of the response to Zen Honeycutt, and
16 that was a respectful exchange in front of 200, 300
17 people in the room and it was webcast, which was
18 another unusual thing we did. It was webcast to the
19 world. So I'm not condoning this. I'm telling you it
20 did not reflect our interaction with Zen Honeycutt or
21 other groups similar to her.

22 Q. Well, I appreciate you not condoning it.
23 That's -- I appreciate that, sir.

24 A. Well, it's more than that, though.

1 Q. No, I --

2 A. It's not simply the absence of condoning
3 it. It's how we behaved, and how we behaved was we
4 welcomed her to our house and we engaged for a long
5 time in a very, very public forum, and I'm proud of
6 that, because that was done inside an annual meeting
7 and that's not usually the way annual meetings happen.
8 They're usually in the room and done.

9 Q. Sir, I just want to clarify something for
10 the record. Within Monsanto's headquarters or former
11 headquarters in St. Louis --

12 A. Former.

13 Q. -- there is actually a boardroom there;
14 right?

15 A. Yeah, there's a meeting room that we used
16 for the board infrequently. We met at two locations.
17 We met in another facility as well, so we were in two
18 different places.

19 Q. I just want to make sure that there
20 existed a boardroom because I --

21 A. Well, it's a meeting room that we used.

22 Q. -- speculating --

23 A. We never endorsed the luxury of having a
24 dedicated boardroom.

1 So over 40 years there were a number of
2 studies done and they were always at the behest of
3 regulatory agencies, and that is where the hard science
4 on this was done, so I wouldn't expect to see conduct
5 more studies as you've written in in red ink as part of
6 this.

7 Q. Yeah. Orchestrating outcry didn't involve
8 conducting any science; it involved all of these things
9 listed here; right?

10 A. You know, I --

11 MR. TANGRI: Objection. Mischaracterizes
12 the document.

13 A. I have to say that you've dwelt on that
14 one headline, a four-page document -- the activity
15 underneath that headline -- which could probably have
16 been written better, but the activity behind it or
17 underneath it to me is common sense.

18 MR. TANGRI: And if you're -- are you
19 moving documents?

20 MR. WISNER: I'm moving on to a new
21 document.

22 MR. TANGRI: We've been going for --

23 MR. WISNER: I have like two more left and
24 then I'm done.

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10 Q. I'm handing you Exhibit 21.
11 [Exhibit 21 marked for identification.]
12 A. Thank you.
13 MR. TANGRI: Thanks.
14 MR. WISNER: I have two.
15 MR. TANGRI: Oh. Thank you.
16 MR. LOMBARDI: Thank you. 21, Brent, you
17 said?

18 MR. WISNER: Yeah, this is 21.

19 BY MR. WISNER:

20 Q. And you don't have to read the whole
21 thing in detail. I'm not going to ask you many
22 questions. I just want to briefly ask you about it.
23 Actually, before I do, sir, have you ever seen this
24 article before?

1 A. I don't -- I'm just opening it. I don't
2 know. So it was from June of 2017.

3 MR. TANGRI: And Brent, I just want to
4 point out I have the same problem when I print
5 articles, but it looks like stuff that comes at the
6 bottom of pages and the top of pages is getting --

7 A. Chopped?

8 MR. TANGRI: -- chopped in places. So
9 just for the record, this looks on its face to be
10 incomplete for reasons that I think are an artifact of
11 trying to print things off the internet.

12 MR. WISNER: Sure. That's fine. I don't
13 think it's going to be a problem for what we're doing
14 here.

15 MR. TANGRI: I'm just noting that. That's
16 all.

17 MR. WISNER: I appreciate the comment.

18 A. I don't recall reading it. I may have
19 done, but I don't recall.

20 BY MR. WISNER:

21 Q. Okay. Well, I just want to quickly show
22 this is the article that was written by Dr. -- I'm
23 sorry -- by Kate Kelland. Did you see that?

24 A. Hang on. Yes.

1 Q. And the title of the article is cancer
2 agency left in the dark over glyphosate evidence. Do
3 you see that?

4 A. Yes.

5 Q. And then if you read the first paragraph,
6 actually, it says London. And it reads when Aaron
7 Blair sat down to chair a week-long meeting of 17
8 specialists at the International Agency for Research on
9 Cancer in France in March 2015, there was something he
10 wasn't telling them.

11 Do you see that?

12 A. Yeah. Yeah.

13 Q. So this seems to be very similar to what
14 we saw -- what was sent to her accusing Dr. Blair of
15 concealing information from the IARC panelists?

16 A. That's true.

17 Q. So we have this --

18 A. But it also says that there was a
19 deposition -- in a sworn deposition given in March,
20 Blair also said the data would have altered the
21 analysis.

22 Q. What page are you on, sir?

23 A. Page 2 of 15, second paragraph. In the
24 sworn deposition, second sentence. Third paragraph.

1 Q. Oh, third paragraph. Okay.

2 A. In a sworn deposition given in March this
3 year in connection with the case, Blair also said the
4 data would have altered IARC's analysis.

5 Q. So -- okay. I appreci --

6 A. In fact, it says he said it would have
7 made it less likely that glyphosate would have met the
8 agency's criteria for being classified as probably
9 carcinogenic.

10 Q. So I'll just represent to you that's
11 actually untrue, but it doesn't matter, but I
12 appreciate you pointing out that comment.

13 A. So he didn't say that?

14 Q. He actually said the opposite, but the
15 jury will see it and they can decide it's not the
16 issue.

17 A. Okay. Well, you're telling me that. I
18 don't know --

19 Q. Yeah, I know, so don't take my word for
20 it. You shouldn't. And don't worry about it. It's
21 not relevant to my conversation. But it does appear,
22 though, that this article does seem to be attacking Dr.
23 Blair and IARC, and it seemed to have been spurred at
24 least in part by a presentation given to her by a

1 MR. LOMBARDI: Oh, I'm sorry.

2 THE VIDEOGRAPHER: We are going off the
3 record at 5:01 PM.

4 [A brief recess was taken.]

5 THE VIDEOGRAPHER: We are back on the
6 record at 5:10 PM.

7 QUESTIONS BY MR. LOMBARDI:

8 Q. Mr. Grant, for the record, my name is
9 George Lombardi. I represent Monsanto. Where are you
10 from, Mr. Grant?

11 A. Originally I'm from Scotland, but I've --

12 Q. Did you grow up -- oh, go ahead.

13 A. But I've lived in the U.S. a long time.

14 Q. Did you grow up in Scotland?

15 A. Yeah, I did. I grew up in Scotland until
16 I was in my 20s.

17 Q. And where did you grow up? Did you grow
18 up in one of the big cities in Scotland?

19 A. No, I grew up in a small town kind of
20 where mining met agriculture, so it was a kind of
21 industrial town near Glasgow on the west coast.

22 Q. So did your grandparents live in that
23 town?

24 A. Yeah, they did. Yeah, my -- yeah, they

1 did. I come from -- my grandpar -- my grandfathers
2 were both coal miners, so I come from a long lines of
3 coal miners.

4 Q. And how about your parents? What did they
5 do for a living?

6 A. My dad was a foundry worker, so he worked
7 in the steel mills there. He was a foundryman. And
8 then ultimately he spent 30 -- 25, 30 years -- yeah, 25
9 years as -- he cut cloth, so he worked in a factory
10 that made suits and pants.

11 Q. How about your mother? Did she work
12 outside the home?

13 A. Yeah, she did -- yeah, she was -- she
14 worked in a deli. She was a delicatessen -- a person
15 that met the public in a deli.

16 Q. Did you go -- I'm sorry. I didn't mean to
17 interrupt you. Did you go to school in Scotland?

18 A. Yeah, I did my undergrad and postgrad year
19 in -- my undergrad in Glasgow and my postgrad in
20 Edinburgh.

21 Q. Did you have a focus of your studies when
22 you went to the University of Glasgow?

23 A. Yeah. As it is referred to in the U.S., I
24 did a double -- a split major or a double major. I did

1 agricultural and molecular biology.

2 Q. And how about -- did you call it
3 postgraduate, the next level --

4 A. Yes, I did the postgrad year in Edinburgh,
5 and that was in agriculture -- kind of applied
6 agriculture.

7 Q. And at some point did you get a further
8 degree -- educational degree?

9 A. Yeah, I did an MBA several years later. I
10 did an MBA at the International Management Center in
11 Buckingham, England.

12 Q. How did you get interested in agriculture?

13 A. I had always -- I guess it's all these
14 things that's serendipitous, but I was always focused
15 on two things, the ability to work outside and the
16 ability to travel and leave Scotland. So I'm part of
17 the diaspora that left. And I'd worked on farms as a
18 kid. I harvested lettuce and tomatoes in the fields
19 around my hometown, and I had a good friend whose dad
20 was a dairy farmer. I spent weekends on farms, so I
21 kind of knew that this was -- it was kind of my dream
22 to be in agriculture, and the more I did, the more
23 convinced I was.

24 Q. Now, after you finished your postgraduate

1 study at the University of Edinburgh, where did you
2 take your first job?

3 A. I joined -- I actually was hired from the
4 University of Edinburgh by Monsanto, so I -- they
5 waited, let me graduate, and I only worked for one
6 company under many, many iterations.

7 Q. And just so the jury has the time frame,
8 what year was that that you began working for Monsanto?

9 A. That was the summer of 1981.

10 Q. And at the time you started working for
11 Monsanto, where was it? What -- geographically where
12 were you in the world when you started?

13 A. I was in Edinburgh, so I was based in
14 Edinburgh, but I worked -- I was a product development
15 representative, so I was walking all over Scotland and
16 all the way down into northern England, so it was a
17 really big territory.

18 Q. And how big was Monsanto's presence in
19 Scotland at the time you joined the company?

20 A. I was 50 percent of Monsanto Scotland, so
21 it was me and one other person.

22 Q. What did you do for Monsanto when you
23 started there?

24 A. I -- the first few years I worked in the

1 field. So I worked outdoors. I was a product
2 development representative, so we were taking
3 products -- we were taking products from research and
4 development or we were taking products that were
5 commercial but were still expanding the usage, and I
6 was working with farmers doing tiny little plots the
7 size of -- half the size of this table at one end to
8 large-scale field work with growers around the country.
9 It was really interesting.

10 Q. And I think you've already mentioned --
11 you ended up spending your entire career at Monsanto;
12 is that right?

13 A. Yeah. I mean, it's never the plan, but it
14 was intellectually stimulating and I continued my
15 career in agriculture and I achieved my ambition of
16 traveling, so I left Scotland and worked in many parts
17 of the world after that.

18 Q. And again, just to make sure the
19 timeline's clear, when did you actually stop, retire
20 from Monsanto?

21 A. I retired last summer in June of 2018,
22 when the Bayer deal was complete.

23 Q. And you've made reference in your
24 testimony today that there was a period of time that

1 you were the CEO of Monsanto; correct?

2 A. Yes.

3 Q. And when did you start as CEO of Monsanto?

4 A. I started as CEO in 2003, so I was CEO
5 for -- CEO and chairman for 15 years.

6 Q. Let's focus on the time before you became
7 CEO, and without going through all of the details --

8 A. Sure.

9 Q. -- can you give the jury an idea of the
10 types of things you did in your jobs at Monsanto?

11 A. Very briefly. I left Scotland. I did
12 product development and some sales jobs in Scotland. I
13 went to Ireland. I was based in Dublin. I was
14 responsible for the Irish business, north and south, so
15 this is my first exposure to general management.

16 I came back to the UK and lived near
17 London and was responsible for the product development
18 team. I left there and had a spell in Brussels before
19 Europe came together, when there were still
20 Deutschmarks and lira and francs, and I spent a chunk
21 of time there in the garden business, which was new. I
22 really started that business. And the industrial
23 business, so railways and roads.

24 And then left there, went to the U.S.,

1 spent a couple of years, I think. I came to St. Louis
2 for the first time, and that would be the early 1990s.
3 Spent a couple of years here in a strategy group --
4 small strategy group -- and I managed the Roundup
5 business for a year or two before I went to Asia, and
6 in Asia I managed -- actually, at the beginning it was
7 all of Asia, so from Japan all the way to out in
8 Australia and from India all the way back to --
9 actually, China was never part, but all the way to --
10 almost to China.

11 And I was responsible for our chemical
12 business -- our pharmaceutical business and the
13 agricultural business at that time. Then left there in
14 1998 and came back to St. Louis, and I've been in St.
15 Louis from 1998 until 2018, so the last 20 years, and I
16 was the chief operating officer through the IPO -- the
17 spin and subsequent IPO when Pfizer owned us, and then
18 became chief operating off -- chief executive officer
19 in 2003.

20 Q. Are you currently employed?

21 A. I'm retired. I sit on two boards, but
22 I'm -- other than -- and I sit on a number of boards
23 here in town. I'm heavily involved in the community in
24 St. Louis, but I'm not currently employed beyond that.

1 Q. Do you have any remaining financial ties
2 to Monsanto or Bayer or any entity related to them at
3 this point?

4 A. None.

5 Q. And you live in St. Louis?

6 A. This is home, yeah.

7 Q. Why? Why do you live in St. Louis?

8 A. I like St. Louis. I feel very
9 passionately about St. Louis. It's a city that's been
10 good to me and good to my family. It's a great place
11 to grow up, to bring up kids, and I intend to stay in
12 St. Louis. Now that the deal's done, I've been very
13 vocal about that.

14 Q. What country are you a citizen of?

15 A. I became a U.S. citizen. I'm very proud
16 of that -- in the last few years. So I'm an American
17 citizen and we will remain here as enthusiastic fairly
18 newly minted Americans.

19 Q. Been a lot of talk about Roundup in this
20 deposition. Have you personally used Roundup over the
21 years, Mr. Grant?

22 MR. WISNER: Objection.

23 BY MR. LOMBARDI:

24 Q. And he'll make objections, which he's

1 entitled to do, but the way this procedure works is you
2 go ahead and give an answer.

3 A. Oh. Oh --

4 Q. So let me -- with that understanding, I'll
5 just restate the question, he can do his thing, and
6 we -- you'll know what the procedure is. Have you used
7 -- you personally used Roundup over the years?

8 MR. WISNER: Objection.

9 A. Yeah, I've personally used it both in my
10 professional life -- my first few years I was -- that's
11 what I did. I applied Roundup every day and -- or most
12 days, and after -- in fact, for my 37 years, I have
13 personally used Roundup to control weeds in my backyard
14 here and in Scotland and my dad's place and a little
15 cottage that we have.

16 BY MR. LOMBARDI:

17 Q. What do you use Roundup to control in
18 Scotland in particular?

19 MR. WISNER: I'm just going to have a
20 running objection to any personal use testimony, so --

21 MR. LOMBARDI: And that's fine. I accept
22 that.

23 A. I -- in Scotland I've used it to control
24 nettles and thistles. So they're perennial weeds.

1 That means they come back every year. And when the
2 kids were little, the last thing you want is kids
3 running in a nettle patch. So in Scotland there's
4 nettles and thistles. Here in St. Louis, I live in the
5 city and it's more weeds coming through cracks in the
6 concrete and where the driveway meets the gravel, so
7 there's always pesky grasses that flare up.

8 BY MR. LOMBARDI:

9 Q. So Mr. Grant, during your tenure at
10 Monsanto, what role did science play in the company?

11 A. Science was the absolute heart of
12 everything that we did. We invested heavily and early
13 in science and we have -- we had -- I'm sorry -- the
14 past tense. We had the largest community of plant
15 scientists and PhDs focused in plant science on the
16 planet, so it was -- we were driven by innovation and
17 converting great science into really great products to
18 make life better for growers.

19 BY MR. LOMBARDI:

20 Q. Was getting the science right important to
21 Monsanto during your tenure there?

22 A. It absolutely was.

23 MR. WISNER: Objection.

24 BY MR. LOMBARDI:

1 Q. Why?

2 MR. WISNER: Objection.

3 A. Because it was everything that we stood
4 for, and sound science was the bedrock, it was the
5 platform that we operated on.

6 BY MR. LOMBARDI:

7 Q. During your time at CEO were scientists
8 employed by the company?

9 A. Yeah, there was many, many scientists
10 employed. Then it was -- right here in St. Louis, it
11 was -- and they're still there today. Under the Bayer
12 deal, the scientists are still there. It was kind of
13 like the United Nations. We had every nationality
14 represented and -- well, not every nationality. It was
15 a very diverse group of scientists both in their
16 origins and also in the disciplines. So we had
17 roboticists and bioinformatics, plant breeders,
18 geneticists, molecular bios, all working in combined
19 teams.

20 Q. Now, you've obviously talked a lot today
21 about Roundup and glyphosate. Who actually invented
22 glyphosate?

23 A. The invention was originally by a Dr. John
24 Franz.

1 Q. Who is John Franz?

2 A. He was -- I think he was a bench chemist.
3 I think he was originally a chemist who developed the
4 first glyphosate samples and demonstrated their
5 herbicidal nature.

6 Q. And when you say bench chemist, give the
7 jury an idea of what you mean by that term.

8 A. I met Dr. Franz several times and long
9 after he had retired. He was very humble, very
10 understated gentleman, but he was -- a bench chemist is
11 somebody who's synthesizing products literally at a
12 bench, so if you think about the traditional view of a
13 chemist, that was John Franz.

14 Q. Now, when did glyphosate or Roundup first
15 go on the market?

16 A. It was first commercialized in the
17 mid-1970s, I think.

18 Q. And you started to work for Monsanto -- I
19 think you said 1981, so shortly thereafter; is that
20 fair?

21 A. Yes -- yeah, shortly thereafter.

22 Q. Was Roundup different than other
23 herbicides that were out on the market at the time?

24 A. It was different then and it's still

1 different today. It was different in its safety, its
2 toxicological profile. It was a very safe-to-use
3 product, which was unusual compared to some of the
4 products that it competed with, and it was really
5 unusual, and to a large extent it still is 40 years
6 later in that it controlled perennial weeds. And in
7 agriculture perennial grasses particularly are very
8 difficult to control, so it was revolutionary at the
9 time. It was a remarkable invention.

10 Q. Why is it important to have effective
11 methods of weed control in agriculture?

12 A. In the simplest sense, whether you're a
13 half-acre or a one-acre farmer in Malawi or Uganda or
14 Tanzania or Kenya or you're farming 2,000 acres 20
15 miles from here in St. Louis, the challenge of weeds is
16 exactly the same. Weeds are hungry, so they eat the
17 nutrients that are destined for the plant, and they're
18 thirsty. They compete very aggressively with a crop
19 for water.

20 So if you're a small holder, that's a make
21 or break, and they depend today to a very large extent
22 on Roundup. And if you're a large-scale farmer, not
23 only does it give you weed control, it gives you the
24 opportunity to cultivate less, so instead of plowing

1 this much soil, you can scratch the top one inch and
2 plant your seeds into that one inch (indicating).

3 So you get weed control, but you conserve
4 soil moisture and you make your farming operation more
5 sustainable because you're not using all that fossil
6 fuel, diesel, gasoline, and you're not releasing all
7 that trapped CO2, because every time you disturb soil,
8 you release those dinosaurs and those rainforests that
9 were there millennia ago. So the less you cultivate,
10 the less CO2 you reduce and the more of a micro-tilth
11 you create for earthworms and beneficial insects.

12 Q. Now, before there was glyphosate, I assume
13 one of the things that farmers did a lot to get rid of
14 weeds was physically remove the weeds. Is that right?

15 A. Yeah. In some parts of the world,
16 unfortunately, they still do that, but the -- in
17 large-scale agriculture they used to -- they had huge
18 tractors like Caterpillar crawlers and they would
19 literally go through that soil and pull up huge clumps
20 of roots that they piled against -- in the UK I
21 remember being in fields near Cambridge and the piles
22 of grass weed roots that they pushed against the hedges
23 rows were six or seven feet tall.

24 So they use mechanical means, and if

1 you're a small holder in Africa, if you're not using
2 Roundup, you're still doing that a smaller scale, but
3 you're grubbing out those weeds. It's backbreaking
4 miserable work. So it was a big change.

5 Q. How about the effect of using plows on the
6 soil itself?

7 A. Well, it's -- this is called conservation
8 tillage. It's widely practiced in the U.S. and Brazil
9 and Argentina, and it's widely practiced because you
10 don't disturb that soil profile, and some of these
11 growers now have been doing this for 20 or 30 years
12 where they just cultivate the top, they tickle the top,
13 and they plant into that. They leave the trash on the
14 top, and that acts as a mulch that slowly degrades, so
15 that helps control the weeds as well, so it's much more
16 sustainable and improves soil health because that soil
17 is left alone, and the more it's left alone, the more
18 the earthworms get to aerate it.

19 Q. So you're talking about when you use
20 glyphosate it helps improve soil health? Is that what
21 you just testified?

22 A. That is correct.

23 Q. And when plows were used, what was the
24 problem when plows were used to remove -- primarily

1 used to remove weeds --

2 A. Well, the --

3 Q. -- in terms of soil health?

4 A. They were used to remove weeds and they
5 were inverting the soil. So if you think about the
6 physical effort of turning over six to nine inch --
7 actually, yeah, nine-plus inches of soil every single
8 year. The amount of energy that that takes is
9 significant. You release a whole bunch of CO2 that's
10 trapped there, so it's a greenhouse gas climate change
11 effect.

12 But the other thing is if you're doing
13 that to soil -- if you think about your backyard, if
14 you were doing that every year to your lawn, it's very
15 hard on the structure of that soil. So you're actually
16 minimizing what that soil can produce, and soil is
17 where a lot of this begins. It's the most precious
18 commodity that farmer has, is his soil or her soil.

19 Q. And how does -- how has glyphosate and
20 Roundup affected the use of plowing and the need to
21 plow in terms of getting rid of weeds?

22 A. It's incredible. The size of these
23 tractors, if you look at John Deere or Caterpillar
24 or -- the size of these tractors over 20, 30 years has

1 continued to shrink and shrink as the horsepower came
2 down, because once you stop dragging steel through the
3 field and you start simply cultivating the surface, the
4 gas diesel consumption goes down, you need smaller
5 tractors.

6 And that's happening not just here in the
7 U.S.; it's happened all around the world. And if
8 you're a small farmer in Africa or in India or in
9 China, they do exactly the same thing now where it
10 means they don't have to till so much soil. They get a
11 seed bed prepared faster and they avoid -- and it's
12 nearly always women, once you leave these shores.

13 They aren't involved in the backbreaking
14 work of tilling, so their working day is shorter. We
15 did market research in India years ago and the feedback
16 from women is they don't talk about weed control. They
17 don't even talk about soil quality. They talk about I
18 collect firewood before it gets dark and I cook the
19 evening meal earlier, so that's the impact of Roundup
20 on subsequent farm activity.

21 Q. Now, have you learned about the safety
22 profile of glyphosate and Roundup in the course of your
23 work at Monsanto?

24 A. Yes, I have. Yeah.

1 Q. And how did you learn about it? From whom
2 did you learn about the safety profile?

3 A. Well, over 30 -- over almost 40 years in
4 various parts of the world and in various
5 responsibilities. As the regulatory authorities were
6 constantly going through these reviews and
7 re-registrations, I was exposed to that, so it wasn't
8 an epiphany or -- this was -- it was omnipresent.
9 There was always a period where the product was being
10 reviewed. At least that's how it felt.

11 Q. And generally, what did you learn about
12 the safety profile of glyphosate and Roundup over the
13 course of your tenure at Monsanto?

14 MR. WISNER: Objection.

15 A. Both from the work scientists within the
16 company and from the regulatory agencies around the
17 world that it was unrivaled in its safety position.

18 BY MR. LOMBARDI:

19 Q. Now, you have obviously talked about --
20 during your testimony both on direct and just now about
21 Roundup being a regulated product. What's your
22 understanding of how long Roundup has been a regulated
23 product?

24 A. Since it came to the market in 1974.

1 Q. Is that just in the United States?

2 A. I think the introduction was -- it was a
3 sequential rollout around the world, but it's been --
4 if you look at the substantial life of the product,
5 it's been regulated everywhere in the world.

6 Q. Yeah. Okay. And what generally, based on
7 your years of work at Monsanto -- what generally do the
8 regulators do in terms of evaluating a product like
9 Roundup?

10 MR. WISNER: Objection.

11 A. There's two broad areas for a product
12 like -- not just Roundup, but there's two broad areas
13 that the regulators insist upon as they set their
14 requirements. One is the safety of the product to
15 applicators and to the environment and the second one
16 generally around the world is efficacy -- does the
17 product do what it's claimed to do?

18 BY MR. LOMBARDI:

19 Q. What is your general -- I think you've
20 testified, sir, that you're not -- you were never the
21 person at Monsanto that was responsible for the testing
22 that was done and that they -- for instance, the EPA or
23 other regulators required. Is that correct?

24 A. That's correct.

1 Q. Do you have a general understanding of
2 what the regulators were seeking in terms of
3 information about glyphosate and Roundup from Monsanto
4 based on your experience?

5 MR. WISNER: Objection.

6 A. Based on my experience, and I'm no --

7 MR. WISNER: Just objection. Sorry.

8 A. Thank you. Based on my experience -- and
9 I'm not a toxicologist or a regulatory lawyer, but the
10 data that they were -- they were describing tests and
11 they were describing categories of data that was then
12 communicated to the company, but they were looking
13 for banks of tests (ph) that focused on the safety of
14 the product.

15 BY MR. LOMBARDI:

16 Q. Did you ever have any understanding that
17 what the EPA or other regulators were looking for was
18 some kind of minimum amount of information about
19 glyphosate or Roundup?

20 MR. WISNER: Objection.

21 A. No, quite the contrary. These regulatory
22 authorities, whether it was in the U.S., in Canada, or
23 in Europe, if you look at the Germany authorities and
24 even their recent conclusion, my impression has been

1 over my career that the minimum was never a
2 conversation. Science continues to evolve, but they
3 were focused on generating enough data to vouch for the
4 safety of a product or otherwise to their communities,
5 and that community isn't just the applicator. It's
6 everybody in that community.

7 BY MR. LOMBARDI:

8 Q. Do you have or did you ever during your
9 time at Monsanto have expertise on the contribution
10 that particular types of scientific studies might make
11 to the evaluation of Roundup?

12 MR. WISNER: Objection.

13 A. I'm sorry. Could you ask that again? I
14 didn't follow --

15 BY MR. LOMBARDI:

16 Q. Yeah, so -- I think that was a little weak
17 in terms of the question, so let me ask you again. Do
18 you have any expertise in terms of the importance of
19 any particular types of studies in the regulators'
20 evaluations of Monsanto or their selection of what
21 studies to use? Do you have any --

22 A. No, that's not any expertise, no.

23 Q. Do you defer to others on what studies are
24 necessary to prove that glyphosate and Roundup are

1 safe?

2 A. Clearly I would, but that deferral is
3 always against the backdrop of regulatory agencies who
4 are setting the expectations and what data is generated
5 and how that data is generated, so with my deferral to
6 experts, those experts are looking at government
7 experts around the world within individual agencies on
8 what is needed to ensure the safety or otherwise of the
9 product.

10 Q. During your tenure at Monsanto, did
11 Monsanto ever fear the impact of a scientific study on
12 sales of Roundup?

13 A. Not to my knowledge, no.

14 Q. Did Monsanto ever refuse to do a study
15 because of some kind of concern about the -- what the
16 result would do to the profits of glyphosate or
17 Roundup?

18 A. Never. In my experience that would never
19 occur.

20 Q. You were asked some questions about the
21 EPA, and I'm just trying to give you a frame of
22 reference --

23 A. Yeah.

24 Q. -- so you know where I'm going. EPA, and

1 specifically a meeting that you had with the
2 then-administrator of the EPA, and I believe her name
3 was -- you referred to her as Administrator McCarthy.
4 Is that right?

5 A. Senior Administrator McCarthy, yeah. I
6 met her twice.

7 Q. And again, just to remind the jury, what
8 was the time frame when that meeting took place? If
9 you know precisely, tell me, but if not, give us a
10 general idea of when that meeting was.

11 A. Yeah, I met her in the spring and the late
12 summer of 2016.

13 Q. Is there any anything in your experience
14 and understanding inappropriate about a company meeting
15 with regulators like the EPA?

16 A. No. It's -- that interface and exchange
17 is completely normal.

18 Q. And based on your understanding, is there
19 anything inappropriate about you having met with
20 Administrator McCarthy on two occasions?

21 A. There is absolutely nothing inappropriate
22 in that -- in the meeting or the content of that
23 meeting.

24 Q. All right. So you had two meetings. Was

1 the same subject matter discussed at both generally?

2 A. Yeah, the subject matter was the same at
3 both. The difference was time continued to pass, but
4 we were focused on a product we haven't talked much
5 about today, dicamba, and the other product was
6 Roundup, glyphosate.

7 Q. And what generally did you say? What was
8 your message to Administrator McCarthy during these two
9 meetings?

10 A. Well, we -- as I recall, they were brief
11 meetings, but the focus was on -- we were looking for
12 transparency, we were looking for certainty, we were
13 really looking for a timeline. So on dicamba, we were
14 looking for a timeline. It was a new product.

15 We couldn't go to field education. We
16 needed to train and educate thousands and thousands of
17 farmers, and we couldn't do that until the product was
18 approved, so we were running towards the fall and were
19 still waiting, and on Roundup we had been in the
20 process for seven years at that point, I think, and we
21 were looking for any commitment from the administrator
22 on how much longer this would take.

23 Q. What process are you referring to that you
24 were in the middle of for Roundup at that time?

1 A. It's called a re-registration process, and
2 it's common. Around the world there's always re --
3 it's a constant ongoing process of re-registration.
4 But my focus was to try and get some idea on when that
5 would occur.

6 Q. And so the jury understands, is
7 registration essentially an approval process for the
8 product?

9 A. I'm sorry. It's -- that's exactly what it
10 is. It's an approval process.

11 Q. So that's why you went into the meeting.
12 What did Administrator McCarthy generally say to you on
13 those topics in these two meetings?

14 A. In the first meeting she made some very
15 soft commitments in time which we -- and I can't
16 remember what that was, but we passed through them by
17 the August time frame on Roundup, and in August she
18 assured me this would be based on science and not
19 politics, but we still never -- we still never got --
20 we still never got a timeline.

21 Q. So this morning when you were being asked
22 questions by plaintiffs' counsel, I think plaintiffs'
23 counsel pretty directly suggested that you were -- you
24 had influence over the EPA. Do you remember those

1 questions specifically?

2 A. Yeah, the start of this afternoon. Yes.

3 Q. Did you influence the EPA in these
4 meetings with Administrator McCarthy?

5 A. I -- it's naive to expect, so -- and I had
6 no influence over the EPA, and I think the evidence to
7 support that is we're still waiting on pieces
8 of that -- since I left the company, there are still
9 pieces of that approval process to come.

10 Q. Well, one of the things that plaintiffs'
11 counsel this morning suggested, I believe, was that you
12 were trying to influence the EPA not to have what he
13 called an -- or what's referred to as an SAP. Do you
14 remember those questions?

15 A. I do, yes.

16 Q. And first of all, was it true? Were you
17 trying to prevent the EPA from going forward with an
18 SAP?

19 A. No, I -- my con -- so the SAP stands for a
20 Scientific Advisory Panel. My concern was how much
21 longer that this would take, and again, the irony is
22 the effectiveness of the two meetings is underscored by
23 the fact that an SAP did occur.

24 Q. And I think plaintiffs' counsel

1 suggested -- well, how about with respect to the
2 timeline which you specifically went in to get from
3 Administrator McCarthy? Did you succeed in getting a
4 timeline that was met by the EPA?

5 A. No. In dicamba we did manage to train
6 thousands of farmers, so it came right on the edge of
7 when we could effectively train them, but we spent the
8 winter in machine sheds talking to growers about
9 application and how they should apply it. With
10 Roundup, with glyphosate, that did not occur.

11 Q. In your experience, Mr. Grant, can a
12 company like Monsanto control what the EPA does?

13 A. No, they cannot.

14 Q. And what's your experience been with the
15 EPA?

16 A. My experience not just with the EPA but
17 the regulatory groups around the world is they make
18 decisions in their own time and they're clear on the
19 data that they need to make those decisions, so the
20 notion that that is influenceable is na?ve.

21 Q. At the time you retired in 2018, what was
22 the last word you knew of from the EPA on the question
23 of whether glyphosate or Roundup causes cancer in
24 humans?

1 MR. WISNER: Objection.

2 A. Well, there was something called the CARC,
3 which was one of the cancer evaluation groups. They
4 had inadvertently or advertently -- I don't know -- but
5 they had leaked a preliminary conclusion, but we're
6 still -- best I know, and I've been retired since last
7 summer -- we're still waiting on elements of that
8 coming forward.

9 BY MR. LOMBARDI:

10 Q. Has the EPA ever concluded -- or any other
11 regulator in Europe concluded that glyphosate or
12 Roundup causes cancer in humans to date as best you
13 know?

14 A. To the best of my knowledge from summer of
15 last year, absolutely not. And it's not just Europe,
16 it's not just Germany within Europe. That's the same
17 conclusion in many other jurisdictions, so it's been
18 very congruent around the world over forty years. The
19 conclusions have always been the same.

20 Q. Mr. Grant, during your time at Monsanto,
21 did you have a view about whether the company should
22 communicate with the public about the safety of
23 glyphosate?

24 A. Yeah, that is -- I -- it's not just

1 should. I think there's a responsibility for companies
2 like Monsanto. There's a responsibility to communicate
3 the science and to communicate what the products do
4 when used as advised. So I don't think that's a
5 should. I think that frankly is a -- that's a
6 responsibility.

7 Q. Why do you view it as a responsibility?

8 A. Because I think for -- and we talked about
9 this a little bit this afternoon. For parents -- for
10 young parents, there is a vacuum of scientific
11 knowledge, and at the very -- and this isn't just
12 Monsanto and it isn't just agriculture, but at the very
13 time that science is advancing, the understanding of
14 science has declined, so I would couch it as if not the
15 companies communicating, then who? So I think it's a
16 responsibility and that's an increasing responsibility
17 over time.

18 Q. Did you view there as being anything
19 inappropriate about Monsanto communicating its views
20 about the science to the public?

21 A. I didn't, no.

22 Q. Now, during your time at Monsanto, I take
23 it, you were aware that there were groups and
24 individuals who were sometimes critical of Monsanto and

1 who expressed their views on science?

2 A. Yeah, there always -- there always is. I
3 think that's part and parcel of being in the middle of
4 scientific debate and that's okay.

5 Q. Did you see anything inappropriate about
6 Monsanto responding to people who had contrary views to
7 Monsanto's about the science of Roundup?

8 A. No, and not just Roundup. Our
9 biotechnology as well. And I feel as if in my 15 brief
10 years I encouraged that dialogue and did some of it
11 myself.

12 Q. You were asked some questions about IARC.
13 I'm not going to go through everything you talked
14 about, but do you remember generally answering some
15 questions about IARC --

16 A. I do. I do.

17 Q. -- this morning and earlier this
18 afternoon?

19 A. This afternoon. Yeah.

20 Q. Now, IARC came out -- I think we
21 established it was sometime in 2015. For my questions,
22 the exact date is not important, Mr. Grant, but 2015
23 generally. Since that time, are you aware of any
24 regulatory agency, the EPA or European regulatory

1 agency, Japan, Canada, that has changed its conclusion
2 about the safety of Roundup and glyphosate?

3 MR. WISNER: Objection.

4 A. I am not aware if any of those agencies
5 have changed their conclusion, and from my
6 recollection, Germany and Canada reiterated their
7 conclusion, which is quite unusual.

8 BY MR. LOMBARDI:

9 Q. This is after IARC's monograph came out?

10 A. That's correct. After the IARC monograph,
11 yes.

12 Q. Now, counsel specifically -- I can't
13 remember whether it was Mr. Wisner or his colleague,
14 but one of the plaintiffs' lawyers specifically showed
15 you a document that referenced Prop 65. Do you
16 remember that? That's the topic I'm going to get into
17 now.

18 A. I do remember that, yes.

19 Q. And it was a document that said that
20 glyphosate had been listed as -- and I'm going to
21 paraphrase because I don't have the document right in
22 front of me right now -- but a potential carcinogen --
23 that Prop 65 listed glyphosate or Roundup as a
24 carcinogen in some way. Do you recall that in general?

1 A. I remember that document.

2 Q. Based on your experience at Monsanto, did
3 you have an understanding of how the glyphosate ended
4 up on a Prop 65 list?

5 A. My -- and I'm no lawyer, but my
6 understanding is that products deemed possibly,
7 probably are carcinogenic by IARC automatically tripped
8 that Prop 65 listing in California, so it was a
9 construct of the IARC ruling. That was my
10 understanding.

11 Q. Let me just take a quick look at my notes
12 here, sir. I got myself out of order, unfortunately.
13 There were some questions about a specific type of
14 testing, animal testing, that had been done at
15 Monsanto. Do you recall that -- the topic generally?

16 A. I do broadly, yeah.

17 Q. And that's not an area that you're an
18 expert in; is that right?

19 A. No, I'm not. I'm not a toxicologist.

20 Q. And you -- I take it from your prior
21 testimony you'd defer to other scientists to determine
22 what's necessary in terms of testing for safety of
23 glyphosate and Roundup. Is that right?

24 A. Well, as I've already covered, I would

1 defer to our experts, but they in turn are deferring
2 and in dialogue with regulatory agencies. So this
3 isn't simply a choice of the company. These are
4 external agencies, as they should be, who are
5 determining what work is needed -- not as a minimum --
6 what work is needed to vouch for the safety profile of
7 a product. So the deferral isn't simply me to a
8 Monsanto expert; that's when it begins.

9 Q. To your knowledge, has any regulator in
10 the world, whether it's the EPA here in the United
11 States or in a foreign country, asked that Monsanto
12 provide long-term animal carcinogenicity studies on the
13 whole product formulation?

14 A. To the best of my knowledge, they have
15 not. In fact, the alternate would be the norm where
16 the long-term toxicological studies is done on the
17 active ingredient, and it has been that way for a long
18 time.

19 Q. And you made reference to something called
20 the -- I think you finally saw the acronym AHS in some
21 of Mr. Wisner's questions. Do you remember that?

22 A. Yes. Yeah.

23 Q. And I'll remind you that it's agricultural
24 health study. You've heard of that study; is that

1 right?

2 A. I have. Yes.

3 Q. And what do you know about the
4 agricultural health study and what it showed?

5 A. It was an epidemiological study. It was
6 done over 20 years, so it was a long, long-term study,
7 and it focused, Number 1, on formulated products. It
8 focused on Roundup.

9 Number 2, it focused on people who used
10 this in real life in real-life situations, so 50,000
11 applicators over 20 years. And applicators broadly is
12 farmers and professional applicators, so contract
13 appliers, and a portion of their spouses, so people who
14 live on those farms or live in those businesses, and so
15 it's an extraordinary piece of work, and at the end of
16 20 years the product was vouched to be safe.

17 Q. Now, do you know who did this study?

18 A. We discussed this this afternoon. It was
19 under -- I heard it was under the auspices of the
20 National Institute of Health.

21 Q. So it wasn't a study that Monsanto did; is
22 that right?

23 A. No, it was not.

24 Q. Based on what you know about glyphosate

1 and Roundup from all the sources you've mentioned
2 today, what is your belief as you sit here today about
3 the safety of the product?

4 MR. WISNER: Objection.

5 A. The product has an unimpeachable safety
6 record and has the benefit of being tested repeatedly
7 by regulatory agencies around the world for 40 years.
8 The product's safe.

9 MR. LOMBARDI: And I thank you, Mr. Grant.
10 I have no further questions for you.

11 A. Thank you.

12 MR. WISNER: Short follow-up. We don't
13 have to go off the record with these.

14 [Discussion off the record.]

15 QUESTIONS BY MR. WISNER:

16 Q. Hi, Mr. Grant.

17 A. Welcome back.

18 Q. A couple quick follow-ups on some of the
19 testimony you just gave.

20 A. Please.

21 Q. First, you talked briefly about your use
22 of Roundup? Do you recall that?

23 A. My personal use?

24 Q. Yeah.

1 A. Yes.

2 Q. Do you wear any protective gear when you
3 do so?

4 A. I do not.

5 Q. Like long-sleeved shirt, no gloves,
6 nothing?

7 A. Definitely no gloves. Long-sleeved shirt
8 depending on -- in Scotland probably because it's cold
9 and wet most of the time. In my backyard in 100
10 degrees heat here in St. Louis, I would not, no.

11 Q. You mentioned the history of glyphosate
12 and you talked about how John Franz discovered its
13 herbicidal properties?

14 A. That's correct.

15 Q. Isn't it true that before that, though, it
16 was patented as an industrial descaler?

17 A. I'm not aware of that.

18 Q. You didn't know that glyphosate was
19 originally used to clean industrial boilers before it
20 became an herbicide?

21 A. I have no knowledge of that.

22 Q. You talked about the benefits of
23 glyphosate in agriculture and other things. Do you
24 recall that?

1 A. I'm sorry. Say that again.

2 Q. You -- I'm trying to go quickly, so I
3 apologize --

4 A. No, I understand.

5 Q. -- if you can't hear me. I'll slow down.

6 A. It was your hand under the thing, and I
7 saw the --

8 Q. Oh, sorry.

9 A. There was a big hand under the screen.
10 That was funny.

11 Q. You can ignore this for now.

12 A. Yeah. I'm sorry. If you ask it again --

13 Q. So you -- quickly, you mentioned -- you
14 talked about the benefits of Roundup; correct? Do you
15 recall that?

16 A. Yes, I do.

17 Q. But you would agree with me that those
18 benefits of Roundup would not be impacted if, alongside
19 those benefits, farmers were told of any potential
20 risks of cancer; right?

21 A. Well, I can't --

22 MR. TANGRI: Objection. Incomplete
23 hypothetical. Calls for expert opinion.

24 A. I can't speculate on that because that is

1 not the case.

2 BY MR. WISNER:

3 Q. People still smoke cigarettes today;
4 right?

5 A. I've never smoked cigarettes myself.

6 Q. I haven't either.

7 A. Good for you.

8 Q. But cigarettes are known to cause cancer,
9 but people still smoke them; right?

10 A. I -- we talked about the tobacco
11 comparison earlier and I don't think it's a relevant
12 comparison.

13 Q. I'm not comparing Monsanto to tobacco
14 here.

15 A. Good. Good.

16 Q. I'm actually just comparing just the fact
17 that people still buy cigarettes; right? You know
18 that?

19 A. Because they're addicted and nicotine is a
20 highly addictive substance, so these poor souls do that
21 because of the addictive nature of them.

22 Q. That's right, but on the package of
23 cigarettes it says it can cause cancer; right?

24 A. I believe it does, yeah.

1 Q. But when people -- farmers, who have to
2 rely upon Monsanto seeds and Roundup, it doesn't say
3 when they get the seeds or the Roundup that exposure to
4 this chemical could cause cancer; right?

5 A. Because it does not.

6 Q. And in fact, none of the labels that these
7 doctors -- sorry, that these farmers get, none of them
8 even mention that IARC has concluded it's a probable
9 human carcinogen, do they?

10 MR. TANGRI: Objection to the extent it
11 calls for speculation. Vague as to time.

12 A. The label around the world -- the real
13 estate of that label is determined by the regulatory
14 agencies. That's not something that Monsanto does.
15 That's something that's edicted by the regulatory
16 agencies. So if the regulatory agencies found such a
17 ruling, then we would make such a warning, but it's
18 misleading because that does not occur today.

19 BY MR. WISNER:

20 Q. I'm sorry, sir. That wasn't my question.
21 I didn't ask about regulatory agencies. I asked you a
22 pretty straightforward question. A second ago when you
23 were being asked questions, you said it's very
24 important -- you said it was Monsanto's responsibility

1 to convey safety information to consumers.

2 A. Yeah.

3 Q. Why hasn't Monsanto told consumers that
4 the International Agency for Research on Cancer has
5 determined it is a probable human carcinogen?

6 A. It's the same answer as a moment ago.
7 That determination and the architecture of that label
8 is determined by the regulatory agencies around the
9 world, not by IARC, not by Monsanto.

10 Q. I'm handing you -- before I do this,
11 quickly, you testified a minute ago regarding your
12 meeting with the EPA --

13 A. Yes.

14 Q. -- that you were there primarily to talk
15 about timing issues; right?

16 A. Yes.

17 Q. And you stressed -- and I believe you
18 stressed this again when you were being questioned by
19 defense counsel, but you stressed that one of the
20 issues was that you wanted to get Roundup reapproved so
21 you could start training farmers; right?

22 MR. TANGRI: Objection. Misstates
23 testimony.

24 A. I'm sorry for the confusion. There were

1 two products and two separate items. The conversation
2 around training with thousand -- I can't remember how
3 many thousand. It was a huge number -- was focused on
4 dicamba because it was a new product and it was new to
5 growers, and a piece of our commitment to the agency
6 was that we would have a very significant number of
7 growers trained through the winter when it's quiet.
8 There's snow on the ground, it's frosty, the earth is
9 black, so --

10 BY MR. WISNER:

11 Q. We don't need to talk about dicamba. I
12 don't want to waste our time with that. I was just
13 asking what, then, was the issue with timing with
14 Roundup?

15 A. Well, you conflated the training with
16 Roundup --

17 Q. I understand. So I'm asking you what was
18 the timing issue with Roundup?

19 A. The timing issue with Roundup was being in
20 review for seven years. The administration was getting
21 close to timing out. So we had two four-year terms of
22 President Obama and his staff, and the concern was that
23 if this continued to run on without any clarity on
24 where the endpoint would be, we would have a new

1 administration with a new group and we would start
2 again in the dialogue in the conversation. So it was
3 less about dates -- it was more about what was the
4 process? When were we going to get to an endpoint?

5 Q. All right. I'm handing you Exhibit 23.
6 [Exhibit 23 marked for identification.]

7 Q. I haven't numbered it, so let's make sure
8 to do that afterwards.

9 A. Okay.

10 MR. WISNER: Here you go.

11 MR. LOMBARDI: I'll just -- it's okay.
12 I'll just come over here.

13 A. Thank you.

14 BY MR. WISNER:

15 Q. So this was a document that was on your
16 reliance material. Please take a look through it and
17 let me know when you're ready to discuss it.

18 A. Okay. Okay.

19 Q. All right. So this is a serie -- this is
20 an e-mail exchange with an attachment; correct?

21 A. That's correct.

22 Q. And the subject of the e-mail is Hugh EPA
23 Brief.docx. Do you see that?

24 A. That's the subject line. I do see that.

1 Yeah.

2 Q. And this was from David Heering to William
3 Heydens and Jennifer Listello. Do you see that?

4 A. Yes.

5 Q. And this is dated February 25th, 2016;
6 right?

7 A. That's correct.

8 Q. This is before your meeting with the
9 administrator of the EPA?

10 A. Yeah. I met the administrator sometime in
11 March.

12 Q. It says Bill and Jen, take a look at the
13 attached document for Hugh to use next week in a
14 conversation with EPA officials. Do you see that?

15 A. I do, yes.

16 Q. So if you look at the attachment, there
17 is -- and this is -- what you were talking about,
18 there's two different topics. One's about dicamba and
19 one's about glyphosate. Do you see that?

20 A. That's correct. Yeah.

21 Q. So I don't want to talk about dicamba.
22 Let's talk about glyphosate. All right?

23 A. Very good.

24 Q. So there's a goal written here. Do you

1 see that?

2 A. Goal. Yes.

3 Q. And the goal says --

4 A. Excuse me.

5 Q. -- persuade EPA to follow Europe and
6 Canada in defending the science behind a determination
7 that glyphosate is not carcinogenic and initiate the
8 glyphosate preliminary risk assessment public comment
9 without an SAP. At a minimum, persuade EPA not to
10 announce or otherwise make final decisions regarding an
11 SAP until after JMPR, May 2016.

12 Do you see that?

13 A. Yes.

14 Q. So let's be clear about what the primary
15 goal was for you when you actually met with the
16 administrator. The primary goal, as it says right here
17 in black and white, was to avoid an SAP and at a
18 minimum delay any SAP until later in May 2016; correct?

19 A. That's what it says here.

20 Q. So there was no rush to get this done? In
21 fact, you were, as a fallback decision, trying to delay
22 an SAP analysis?

23 A. No, quite -- and I would point out -- I
24 just noticed on the back page here, it says

1 somewhere -- yeah, on the back page of the cover memo,
2 it says first draft, please provide comment. So there
3 was still flux in this before the meeting. So there's
4 always an appetite on six bullet points -- on seven
5 bullet points. What this represents is not the meeting
6 that I had.

7 The SAP subject, the whole focus on SAP
8 after seven years was how much longer is this going to
9 take? It was a time-based concern. And as I mentioned
10 in my testimony, the -- regardless, the SAP was
11 subsequently done, so the position paper and the asks
12 (ph) had no effect whatsoever on the EPA. They make
13 their own timelines, they make their own decisions, as
14 they should.

15 Q. So I'm just trying to get it straight
16 here. So you told this jury a second ago that it
17 wasn't really about the SAP delay; it was about timing.

18 A. Absolutely.

19 Q. And I'm showing this bullet-point document
20 which says literally the opposite. It says nothing
21 about increasing the speed with which it gets done. It
22 talks about delaying it and it talks about not having
23 an SAP. So I'm just asking which one is true? What
24 you testified to or what this document says?

1 MR. TANGRI: Objection. Asked and
2 answered.

3 A. I don't -- I read the document
4 differently. They were looking -- in the sentence
5 above the one that you picked, it says and initiate the
6 glyphosate preliminary risk assessment public comment
7 without an SAP, and my representation, which is exactly
8 in line with that, is at this late stage an SAP would
9 have meant further delay and would certainly, in our
10 opinion at that time, have pushed the review in the new
11 administration.

12 BY MR. WISNER:

13 Q. Can I ask --

14 A. Ironically the SAP was done, the delay did
15 happen, and post my retirement I think that -- you may
16 know differently, counselor -- I've lost track of
17 this -- but that process still grinds on.

18 Q. I just want to point out right here the
19 first number, and I was kind of curious if you know
20 anything about this. It says we know, but cannot say,
21 that EPA's Office of Pesticide Program scientists
22 strongly feel that glyphosate does not cause cancer and
23 have defended their written determination internally
24 for months.

1 How does Monsanto have access to the
2 internal communications within the EPA?

3 MR. TANGRI: Objection to the extent it
4 calls for speculation.

5 A. I have no idea what that refers to.

6 BY MR. WISNER:

7 Q. You testified a second ago that the
8 meeting with the administrator wasn't in any way
9 inappropriate; right?

10 A. That is exactly right. It was in no way
11 inappropriate.

12 Q. You would agree with me, though, that if
13 there was a relationship between Monsanto employees and
14 EPA scientists like text messaging each other, that's
15 inappropriate; right?

16 MR. TANGRI: Objection. Ambiguous.
17 Incomplete hypothetical.

18 A. I cannot comment on that. I have
19 absolutely no idea what you're referencing.

20 BY MR. WISNER:

21 Q. It would be weird, right, if Monsanto
22 employees were texting EPA scientists about glyphosate;
23 right?

24 MR. TANGRI: Objection. Ambiguous.

1 Incomplete hypothetical. Calls for speculation.

2 A. I have no idea of the mechanism of the
3 exchange, but I have said several times today that the
4 exchange between EPA and working groups at Monsanto and
5 all other companies is very, very regular. The EPA
6 doesn't sit in an ivory tower. They are challenging
7 and they are interacting on a constant basis.

8 BY MR. WISNER:

9 Q. Do you know how many times Zen Honeycutt
10 from Moms Across America has gotten to sit down with
11 the EPA administrator?

12 THE WITNESS: I have absolutely no idea.

13 MR. WISNER: Okay. I pass the witness.

14 MR. LOMBARDI: I think that's it.

15 MR. WISNER: Great.

16 MR. LOMBARDI: No further questions, and
17 we're -- I think we said on the record he's reserving
18 signature and those -- all those things --

19 MR. WISNER: Yeah. That's right.

20 MR. LOMBARDI: -- just to make sure
21 before you go off --

22 MR. TANGRI: We'll read and sign, yeah.

23 And this has been designated as confidential.

24 MR. LOMBARDI: Confidential.

1 THE VIDEOGRAPHER: The time now is 6:07
2 PM. This concludes the deposition and we are going off
3 the record.

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5 [SIGNATURE RESERVED.]

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C E R T I F I C A T E

I, JOHN ARNDT, a Certified Shorthand Reporter and Certified Court Reporter, do hereby certify that prior to the commencement of the examination, HUGH GRANT was sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in this action.

JOHN ARNDT, CSR, CCR, RDR, CRR

CSR No. 084-004605

CCR No. 1186

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I, HUGH GRANT, the witness herein, having read the foregoing testimony of the pages of this deposition, do hereby certify it to be a true and correct transcript, subject to the corrections, if any, shown on the attached page.

HUGH GRANT

Sworn and subscribed to before me,
This _____ day of _____, 201_.

Notary Public

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