EXHIBIT 10

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1
             UNITED STATES DISTRICT COURT
2
          NORTHERN DISTRICT OF CALIFORNIA
3
    IN RE: ROUNDUP PRODUCTS ) MDL No. 2741
4
    LIABILITY LITIGATION,
5
                               ) Case No.
                              ) 16-md-02741-VC
6
    This document relates
7
    to:
8
    Hardeman v. Monsanto
    (3:16-cv-00525-VC)
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14
15
            Video Deposition of DENNIS
16
    WEISENBURGER, M.D., held at 700 West
    Huntington Drive, Monrovia, California,
17
18
    commencing at 8:35 a.m., on Thursday,
    December 20, 2018, before Lisa Moskowitz,
19
20
    California CSR 10816, RPR, CRR, CLR, NCRA
21
    Realtime Systems Administrator.
22
23
              GOLKOW LITIGATION SERVICES
          877.370.3377 ph | 917.591.5672 fax
24
                   Deps@golkow.com
25
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	Definite wersen		
	Page 2		Page 4
1	APPEARANCES:	1	DEPOSITION EXHIBITS (Cont'd)
2	ANDRUS WAGSTAFF	2	NUMBER DESCRIPTION PAGE
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19	VIDEOGRAPHER:		
20	VIDLOGRAI IIER.	21	
0.1	RYAN SCHAEFER,	22	
21 22	GOLKOW LITIGATION SERVICES	23	
23		24	
24 25		25	
	Page 3		Page 5
1	INDEX	1	MONROVIA, CALIFORNIA
	EXAMINATION OF PAGE	2	THURSDAY, DECEMBER 20, 2018, 8:35 A.M.
3 4	DENNIS WEISENBURGER, M.D. By Ms. Du Pont 6, 113	3	
5	By Ms. Forgie 0, 113	4	THE VIDEOGRAPHER: We're now on
6	2) 113,1 01810	5	record. My name is Ryan Schaefer. I'm
7		6	•
8 9	DEDOCITION EVIDITO		a videographer for Golkow Litigation
	DEPOSITION EXHIBITS NUMBER DESCRIPTION PAGE	7	Services.
11	1 Monsanto Company's Notice to 7	8	roday s date is December 20,
	Take Oral and Videotaped	9	2018, and the time is 8:35 a.m. This
12	Deposition of Dr. Dennis	10	video deposition is being held at
13	Weisenburger	11	700 West Huntington Drive, Monrovia,
	2 Dr. Weisenburger Materials 8	12	<u> </u>
14	List, November 13, 2018	13	
15	3 Curriculum Vitae 8	14	• •
	4 Handwritten Notes 15		
17	5 Retention Agreement Expert 18	15	Court, I toruncin Bistrict of Cumorina.
18	Opinions and Testimony	16	The deponent is B1. Benning Weisenburger.
	6 Addendum to Dr. Weisenburger's 19	17	Counsel will be noted on the
19	Reference List	18	stenographic record and will counsel
20		19	please identify themselves.
21	Weisenburger	20	-
	8 IARC Monograph on Hepatitis C 54	21	· ·
22	• • •	22	• •
	9 Study by Dal Maso 62		ivii. Hardeman.
23	10 Amin la bro M-1-1-	23	MB. De l'olvi. June du l'olli ol
24	10 Article by Mahale 70	24	innoid force on benan of Mondanto.
		25	MS. PODSIADLO: Kathryn
25		123	MS. FODSIADLO. Katiliyii

Case 3:16-md-02741-VGe Document 2478-19 Filed 01/02/19. Page 4 of 32 Page 6 Page 8 1 Podsiadlo on behalf of Monsanto. ¹ list -- sorry, a list dated November 13, 2 ² 2015. 2013. Sorry. November 13, 2018. THE VIDEOGRAPHER: The court 3 reporter is Lisa Moskowitz and will now A. Yes. 4 swear in the witness. Q. And we've marked that as Exhibit 2. 5 (Exhibit Number 2 was marked 6 DENNIS WEISENBURGER, M.D. for identification.) 7 BY MS. DU PONT: called as a witness, having been duly 8 sworn, was examined and testified as Q. You can set that aside. You've 9 follows: also brought with you your current CV from 10 ¹⁰ August, 2018, that we have marked as 11 ¹¹ Exhibit 3. **EXAMINATION** 12 ¹² BY MS. DU PONT: (Exhibit Number 3 was marked 13 13 Q. Good morning, Dr. Weisenburger. for identification.) 14 A. Good morning. 14 BY MS. DU PONT: 15 Q. It's nice to see you again. We met Q. Do you see that? ¹⁶ the other day. I'm Julie du Pont, and I 16 A. Yes. 17 represent Monsanto. Q. There's nothing on this CV that you 18 Do you understand that? need to update at this time; correct? 19 19 A. Yes. A. Correct. 20 Q. Can you go ahead, for the record, Q. Okay. Why don't we just take a ²¹ look, then, at your materials list dated ²¹ and just state your name and business ²² address, please? ²² November 13. This includes a number of ²³ medical references, but it also includes a A. Dennis Weisenburger, 1500 East ²⁴ Duarte Road, Duarte, California. I work at ²⁴ number of case-specific materials on the ²⁵ City of Hope Center. ²⁵ last two pages; is that right? Page 7 Page 9 Q. Thank you. And you've previously A. Yes. given sworn testimony on behalf of Q. And it looks like you've reviewed ³ plaintiffs in the Roundup litigation against ³ Mr. Hardeman's medical records; is that ⁴ Monsanto; correct? 4 right? A. Yes. A. Yes. Q. And have you reviewed select Q. And you stand by that prior testimony as truthful and accurate? records of Mr. Hardeman? 8 A. Yes. A. All available records. Q. Nothing you want to correct today Q. Right. And you've reviewed his ¹⁰ from that prior testimony? 10 fact sheet? 11 11 A. No. A. Yes. 12 Q. Okay. So why don't we go ahead. ¹³ I've marked as Exhibit 1 the notice of your ¹⁴ deposition in the Hardeman case. 15 (Exhibit Number 1 was marked

for identification.)

BY MS. DU PONT:

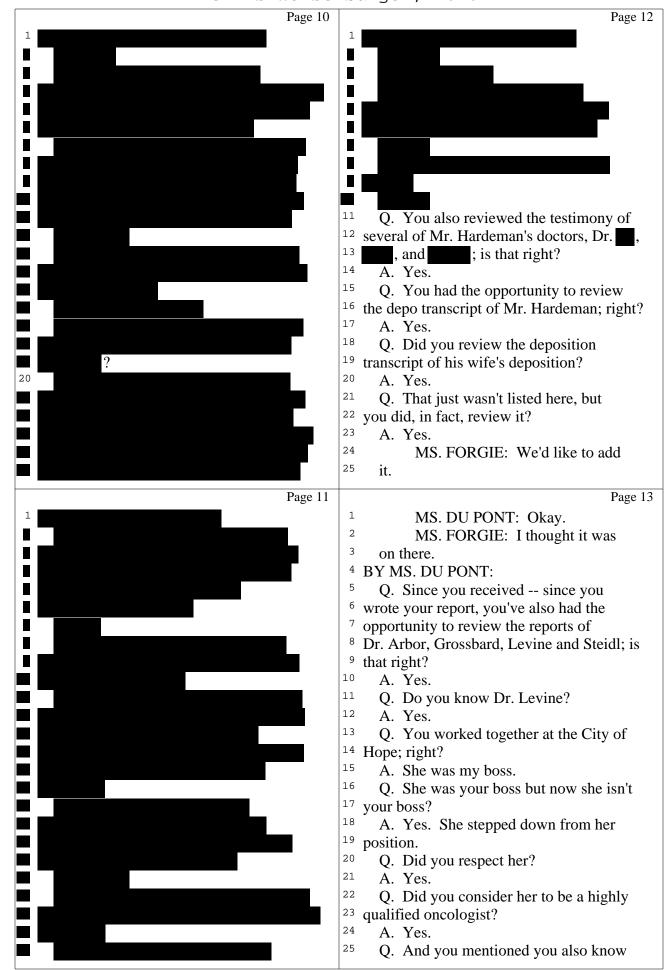
A. Yes.

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Case 3:16-md-02741-VGe Document 2478-19 Filed 01/02/19. Page 6 of 32 Page 14 Page 16 ¹ Dr. Arbor and you respect him as well? Q. How many hours have you billed? 2 A. Yes. A. 32.5. 35.5. 3 3 Q. And, again, you believe him to be a Q. So you worked an additional three ⁴ highly qualified pathologist? hours or you --A. Yes. A. 35 hours. 35½ hours. 6 Q. In addition to the 32.5 you already Q. And how do you know Dr. Arbor? A. Just we move in the same circles. billed. Okay. ⁸ He does the same thing I do. We always see MS. PODSIADLO: 17,750. each other at meetings. He also did his BY MS. DU PONT: ¹⁰ training at the City of Hope. We have kind Q. You've earned an additional \$17,750 ¹¹ of a common bond there. on Mr. Hardeman's case since November 20? 12 12 Q. Okay. Do you know Dr. Michael A. If the math is correct, yes. 13 Grossbard? 13 Q. So in total you've made \$34,000 14 A. I don't. 14 working on Mr. Hardeman's case to date? 15 Q. And do you know Dr. Steidl? A. Sounds right. 16 16 Q. Okay. And that additional A. Yes. 17 Q. I may be pronouncing his name 35½ hours, how did you spend that time? 18 A. Mostly reading additional materials wrong. 19 on hepatitis C and hepatitis B and other A. Steidl. 20 20 Q. How do you know him? topics. 21 A. Sort of the same way, through just 21 Q. And why did you feel the need to ²² we do -- we've done research together. You ²² read additional materials on hep C and hep B ²³ know, we see each other at meetings. He's and other topics? ²⁴ visited City of Hope. So we know each other A. It's not an area I'm particularly ²⁵ through our academic endeavors. ²⁵ an expert in; so I had to go back and learn Page 15 Page 17 Q. Okay. And do you respect him? ¹ a lot about hepatitis C and hepatitis B. 2 A. Yes. ² When I read the Monsanto expert reports, Q. Do you consider him to be highly ³ there were some issues that I needed to ⁴ qualified in his field? ⁴ research and understand. A. Yes. So I pulled additional articles Q. Okay. You can set that aside. that were referenced in their reports. ⁷ We've marked as Exhibit 4 your invoice for Q. Did counsel for plaintiff provide your work in the Hardeman matter. you with any additional articles on hep B 9 9 (Exhibit Number 4 was marked and hep C? 10 10 A. No. for identification.) 11 ¹¹ BY MS. DU PONT: Q. 12 Q. Can you take a look at that? 13 A. Yes. Q. It looks like between October 20, A. We looked at -- into autoimmune ¹⁵ 2018, and November 20, 2018, you billed disease. I looked into eczema. I guess ¹⁶ 32-and-a-half hours; is that right? those were the main things. 17 A. Yes. 17 Q. Okay. Now, you can set your 18 Q. At \$500 an hour? invoice aside. We've marked as Exhibit 5 19 A. Yes. your retention agreement with Andrus

Wagstaff.

21 Do you see that? 22

- A. Yes.
- Q. Do you understand this to be your retention agreement in the Roundup ²⁵ litigation as well as your W-9 which is on

A. Yes.

²¹ had made \$16,250?

A. Yes.

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Q. And have you worked on

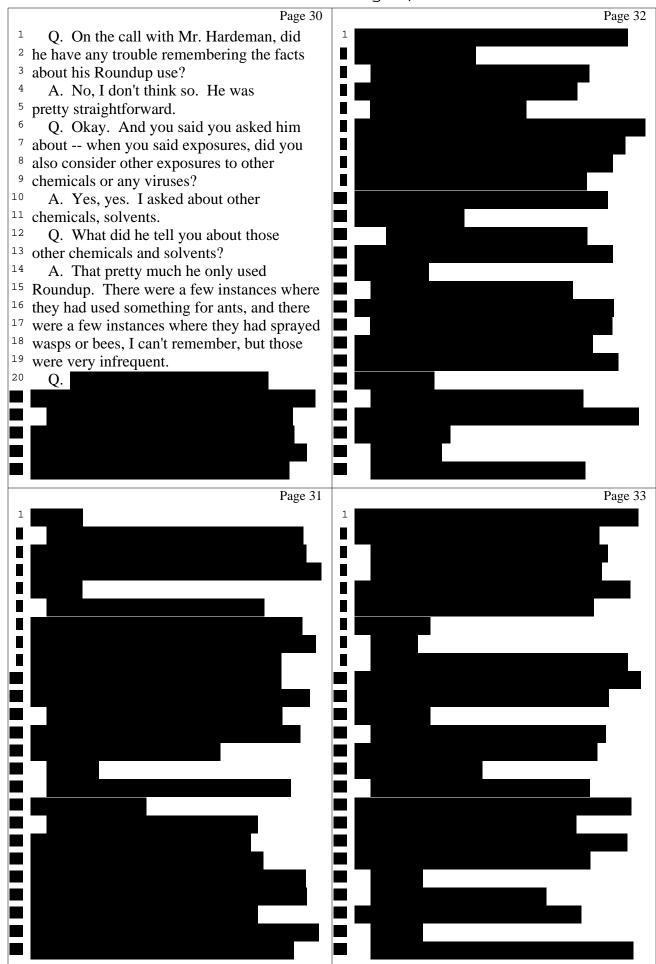
Q. And so as of November 20, 2018 you

²⁴ Mr. Hardeman's case since November 20, 2018?

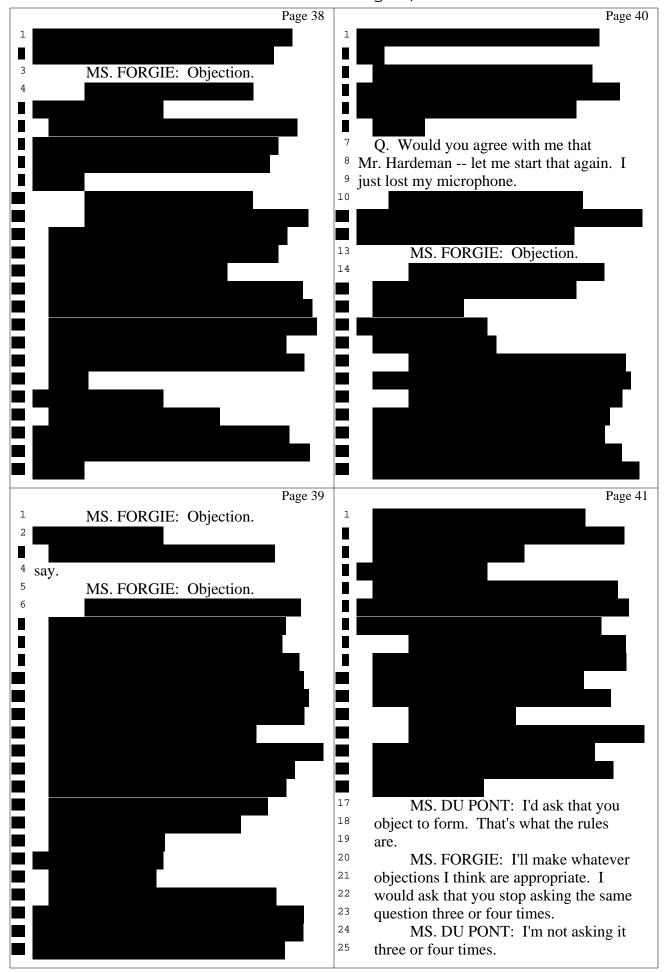
Page 18 Page 20 ¹ the second page? to learn about hepatitis B and hepatitis 2 2 C. I didn't include them all in my A. Yes. 3 3 report, although I read them all. I (Exhibit Number 5 was marked guess I don't really need to rely on 4 for identification.) them for purposes of my testimony. BY MS. DU PONT: 6 ⁶ BY MS. DU PONT: Q. You can set that aside. 7 MS. FORGIE: I'd like to Q. So the main references that you are 8 ⁸ relying on for purposes of your testimony redact. I didn't realize his social 9 ⁹ are those references that you included in security number was in there. I'd like 10 to redact that from the deposition. ¹⁰ the Hardeman specific report itself? 11 Can we do that on the exhibit? 11 A. Yes. 12 12 Q. And you had reviewed some of the MS. DU PONT: Sure. 13 13 references on this addendum prior to serving MS. FORGIE: Can we do that 14 your report, and you believe that you now? 15 considered those materials but you are not MS. DU PONT: Yeah. Do you 16 necessarily relying on them for your want to take a brief break? 17 opinions; is that accurate? MS. FORGIE: Yeah, that's kind 18 A. Yes. of a big deal. 19 19 THE VIDEOGRAPHER: The time is Q. Okay. I think you can set that 20 ²⁰ aside. 8:49 a.m., and we are off the record. 21 21 Now, did counsel for Mr. Hardeman (Recess taken from 8:50 a.m. 22 provide you with any memo or memos regarding to 8:50 a.m.) 23 Mr. Hardeman's Roundup exposure? THE VIDEOGRAPHER: The time 24 is now 8:50 a.m., and we are back on A. No, just the fact sheet. The fact 25 25 sheet. the record. Page 19 Page 21 1 MS. FORGIE: Just for the Q. Okay. Let's take a look now at 2 ² your report that you served in the Hardeman record, we -- by agreement of all counsel, we had the court reporter 3 matter. We have marked Dr. Dennis 4 redact Dr. Weisenburger's social ⁴ Weisenburger's report under Hardeman versus 5 security number from Exhibit 5. Thank Monsanto as Exhibit 7. 6 (Exhibit Number 7 was marked vou. 7 MS. DU PONT: Okay. for identification.) BY MS. DU PONT: BY MS. DU PONT: 9 Q. Moving on, marked as Exhibit 6 is Q. And is this your report in the Hardeman matter, Dr. Weisenburger? 10 your addendum to your reference list. 11 11 (Exhibit Number 6 was marked A. Yes. 12 12 for identification.) Q. And this report discloses all the 13 opinions that you intend to offer at trial 13 BY MS. DU PONT: 14 Q. When did you prepare this addendum? in Mr. Hardeman's case? 15 A. It would have been last week. A. Yes. There are a couple errors in ¹⁶ the report. I don't know whether you want Q. So it was prepared after you wrote to talk about them now or later. your report and your report was served on 18 18 Monsanto; correct? Q. You can go ahead and tell me what 19 19 A. Yes. the errors are now. 20 20 Q. Is it fair to say that the articles A. So on the third written page at the ²¹ end of the second paragraph, I see the 21 on this list you did not rely on in ²² latency is 29 years. It's actually preparing your report? 23 MS. FORGIE: Objection. 26 years. The first sentence of the THE WITNESS: Well, many of the paragraph says 26 years. The end 24 ²⁵ paragraph says 29 years. It should be 25 articles on this are articles I pulled

Page 22 Page 24 ¹ 26 years. ¹ your Hardeman-specific report, reviewed ² Dr. Nabhan's generic testimony in the MDL? Q. You're saying his exposure to A. You mean his general causation ³ Roundup in this case should be 26 years and not 29 years? testimony? 5 A. Yes. Q. Yes. 6 A. I did review some of -- I don't MS. FORGIE: It's a typo 7 because the top says 26 years. remember exactly what I reviewed, but I did 8 MS. DU PONT: Yes. review some materials from him, yes. I 9 THE WITNESS: The other don't know whether it was his report or a 10 deposition. I don't remember. correction is the odds ratio for BMI. I 11 11 MS. FORGIE: I'm going to put down the wrong odds ratio. I wrote 12 12 down 1.14. It should be 1.27. object to this. It's going into general 13 13 BY MS. DU PONT: causation. 14 14 Q. And is the confidence interval, MS. DU PONT: I'm just 15 does that also need to be corrected? inquiring whether he read other 16 A. Yes. The confidence interval is testimony from Dr. Nabhan who's a ¹⁷ 1.09-1.47. 17 case-specific expert in his report. 18 18 BY MS. DU PONT: Q. And what I'll do later is we can ¹⁹ take a look at the reference that you're 19 Q. On Exhibit A, if you want to refer ²⁰ relying on and understand where you're to Exhibit 2 which was your supplemental getting those numbers. list, I'll just note that you did list under 22 ²² 76 on that supplemental list that you A. Okay. 23 Q. Do you have any other corrections disclosed as part of the Hardeman record the that you want to make to your report at this ²⁴ deposition transcripts and exhibits of 25 time? ²⁵ Dr. Nabhan taken on August 23, 2017. Page 23 Page 25 1 A. No. A. Where is that? Oh, okay. Q. Take a look at Reference Number 76. Q. And your report along with your ³ reliance list discloses all of the bases for Just confirm for me that you did, in fact, ⁴ the opinions you intend to offer in review his August, 2017, testimony. MS. FORGIE: Objection. Mr. Hardeman's case? 6 MS. FORGIE: Objection. THE WITNESS: Yes, I did. 7 THE WITNESS: Yes. BY MS. DU PONT: BY MS. DU PONT: Q. Okay. Do you generally agree with Q. Did you, in your preparation of the testimony that Dr. Nabhan gave in the ¹⁰ this report, review any case-specific expert Hardeman matter, the rough draft that you 11 reports for Mr. Hardeman's other 11 reviewed? 12 ¹² case-specific experts? MS. FORGIE: Objection. Asked 13 13 A. No. and answered. Q. Did you review any of THE WITNESS: Yes. ¹⁵ Mr. Hardeman's other case-specific expert BY MS. DU PONT: 16 reports after you prepared the report? Q. You don't intend to offer at trial 17 A. I did review the rough draft of the any opinions that are not disclosed in the 18 Nabhan deposition. expert report that we've marked as 19 Q. Did you review the case-specific 19 Exhibit 7; correct? 20 report in the Hardeman matter? MS. FORGIE: Objection. 21 21 THE WITNESS: Correct. 22 Q. And anything you disagreed with 22 BY MS. DU PONT: ²³ that Dr. Nabhan said at his deposition? 23 Q. Let's talk about how you prepared 24 A. Not that I remember. ²⁴ your report in this case. Am I correct that ²⁵ you prepared the report yourself? 25 Q. Had you actually, prior to writing

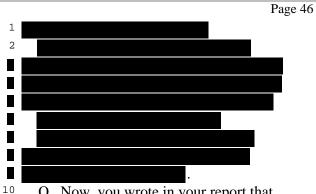
Page 26 Page 28 1 A. Yes. ¹ yourself and Mr. Hardeman? 2 Q. And how long did you spend drafting A. No. the report? Q. And did you take notes of that phone call? A. Hours. Many hours. 5 Q. Do you remember how many? A. Yes. 6 A. Well, most of my first --Q. And did you rely on those notes in 7 Q. 32 hours were spent? preparing your report in this case? A. -- 32 hours were spent researching MS. FORGIE: Objection. it and writing it and correcting it. THE WITNESS: Yes. Q. Describe your process for drafting BY MS. DU PONT: 11 your report. 11 Q. And did you review those notes 12 prior to this deposition today? A. 13 A. Yes. 14 Q. And I would just request at this time that counsel for Mr. Hardeman produce the notes from Dr. Weisenburger's telephone interview with Mr. Hardeman? MS. FORGIE: I'm inclined not 19 to, but I'll talk to him at the break 20 about it and make a final addition. 21 MS. DU PONT: Thank you. 22 MS. FORGIE: Pursuant to 23 Pretrial Order Number 7 which states we Q. Okay. 24 don't have to produce drafts. 25 MS. DU PONT: I would just A. Considered the literature on Page 27 Page 29 maintain I'm not sure telephone ¹ obesity and overweight. 2 Q. Okay. So let's talk a little bit interview notes are drafts, but would be 3 ³ about the telephone interview that you had more a reflection of the interview that ⁴ with Mr. Hardeman. That took place on 4 took place and not a draft report. 5 ⁵ November 1, 2018; is that right? MS. FORGIE: It includes notes A. Yes, yes. as well. BY MS. DU PONT: Q. And do you understand that was prior to when Mr. Hardeman was deposed in Q. It looks like you spent about ten ⁹ this matter? hours prior to your phone call with 10 A. Yes. Mr. Hardeman working on his case based on 11 the invoice you provided. If you want to 11 Q. How long did the telephone call ¹² last that you had with Mr. Hardeman? 12 take a look at it, feel free. It's A. It was about an hour, more or less. ¹³ Exhibit 4. ¹⁴ I don't remember exactly. A. That's correct. 15 Q. If you billed for an Q. And what did you do for those ten ¹⁶ hour-and-a-half on November 1, would that 16 hours? hour-and-a-half have been for your phone A. It was mainly reviewing the medical ¹⁸ call with Mr. Hardeman, or was it additional record and the fact sheet, which at that 19 work as well? time, I think that's all I had. A. It's probably additional work. Q. Okay. You mentioned already that ²¹ Maybe preparation before the phone call. I ²¹ your telephone conversation, one of the 22 didn't spend an hour-and-a-half on the phone ²² things you talked to him about was his ²³ with him. I believe it was 45 minutes to an exposures. What did you mean by that? ²⁴ hour. A. His use of Roundup, how did he use 25 25 Roundup. Q. Was anyone else on the call besides







Page 42 Page 44 1 MS. FORGIE: Yes, you are. ¹ difficulty remembering things. MS. DU PONT: Let's move to a 2 3 different topic. I don't know what happened. When I ⁴ BY MS. DU PONT: Q. Mr. Hardeman's Roundup use. You questioned him, I was very careful to be as agree that he was using it as a home user; precise as I could, and this is the history correct? that he gave to me. So whether it was one A. Yes. or the other, he still had significant 9 exposures to Roundup. Q. He was not a farmer spraying it on ¹⁰ his crops; correct? Q. So it's your understanding that when he gave his deposition under oath on 11 A. Correct. 12 November 8, 2018, that he testified that 12 Q. And in your report, you discuss for ¹³ a couple pages what his Roundup use was and when he was spraying on the Forestville property, he was only spraying for about ¹⁴ what his exposure was; correct? 15 A. Yes. eight months per year; correct? 16 Q. And you mention that much of that 16 MS. FORGIE: Objection. 17 ¹⁷ discussion in your report came from the THE WITNESS: That's what he ¹⁸ interview that you had with him in November 18 said. ¹⁹ of -- November 1, 2018; correct? BY MS. DU PONT: 20 A. Yes. Q. You did not note that discrepancy 21 ²¹ between his deposition transcript and your Q. But you also read his deposition; 22 right? ²² interview in your report; right? 23 A. No, because I read his transcript A. I did. Q. And do you understand that there's ²⁴ after I wrote my report. So my report was 25 some inconsistencies in what he said at his already written and submitted. Page 43 Page 45 ¹ deposition versus what he told you at that Q. Got it. So you reviewed his ² interview on November 1? ² deposition transcript after the report was MS. FORGIE: Objection. ³ served on Monsanto? THE WITNESS: Yes. A. Yes. ⁵ BY MS. DU PONT: Q. Would you agree with me, though, Q. Do you remember any of those ⁶ that if we go by his testimony at his deposition, that in your report, you ⁷ inconsistencies right now, sitting here overestimated the amount of spraying that 8 today? Mr. Hardeman was doing? A. Yeah. So the main ones were that 10 he told me he used the Roundup all MS. FORGIE: Objection. 11 year-round, pretty much every month. He 11 THE WITNESS: That's correct. ¹² used it intensively for about eight months 12 BY MS. DU PONT: ¹³ and less intensively for the other four ¹⁴ months. 15 At his deposition, he changed that ¹⁶ and said he used it intensively for about six months out of the year and that he used it less intensively only two months out of ¹⁹ the year. So, yeah, there's some 20 MS. FORGIE: Objection. ²¹ discrepancies that occurred. I can't THE WITNESS: No. ²² explain those things. I didn't call him BY MS. DU PONT: ²³ back and ask him what the truth was because 23 ²⁴ by that time I had written my report. So, you know, sometimes people have 25



Q. Now, you wrote in your report that he would often get the spray on his hands, ¹² arms, face and sometimes mouth and sometimes he inhaled the mist while spraying.

14 Do you recall writing that in your 15 report?

16 A. Yes.

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told me.

- Q. Did you actually ask Mr. Hardeman ¹⁸ in the interview how many times he got the spray on his arms, face, and mouth?
- 20 A. It was frequent.
- 21 Q. But did you also review
- ²² Mr. Hardeman's deposition to see how many
- 23 times he had spilled on himself?
- A. I can't remember the numbers, but
- 25 it was less than what he told me.

- ¹ BY MS. DU PONT:
- Q. If we go by what he said in his ³ deposition and what you've written in your

Page 48

Page 49

- ⁴ report overestimates his exposure to
- Roundup; right?

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MS. FORGIE: Objection.

THE WITNESS: Probably,

8 although I think by him telling you that 9 he only got it on his hands ten times,

10 he's grossly underestimating his 11 exposure.

- 12 BY MS. DU PONT:
 - Q. How do you know that?
- 14 A. Because of the story. When you
- spray Roundup in a mist, you're going to get
- it on your hands. You're going to get it on
- your arms. You're going to get it on your clothes, just by the nature of what you're
- 19 doing.
- 20 Q. Have you sprayed Roundup before? 21
 - A. No. I prefer 2,4-D, thank you.
- 22 Q. What's your basis for saying that
- when you spray Roundup, you're going to get it on your hands?
 - A. Because it happens to me when I

Page 47

- Q. So if he testified at his
- ² deposition that he spilled on himself about
- ³ ten times, does that sound right?
 - A. I don't remember what the
- ⁵ deposition says. It was considerably less ⁶ than what he told me.
- Q. But, again, if we went by what he said in his deposition, that would have been
- less exposure to Roundup; correct? 10

MS. FORGIE: Objection.

THE WITNESS: Well, I think people get exposed to Roundup when they use mist, whether they know it or not. Okay? So the fact that he -- what he told me was that he frequently got it on his hands and his arms when he was spraying from the truck and over the fence. It was common. That's what he

I don't understand him changing his story in the deposition. I wrote my report based on what he told me, and I believed it was true. If you deposed him today, he might tell you something totally different. I don't know.

¹ spray 2,4-D.

- Q. But you don't have any personal
- experience spraying Roundup; correct?
 - A. I don't.
- Q. Now, you understand that at his deposition, he also testified that he only
- inhaled Roundup about two or three times;
- correct?

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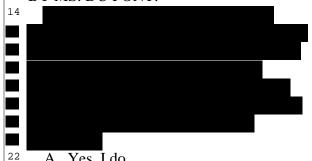
MS. FORGIE: Objection.

THE WITNESS: I believe that's

what he said. What did I say?

Sometimes.

BY MS. DU PONT:



A. Yes, I do.

Q. Mr. Hardeman also explained to you that he would wash his hands if he spilled on himself; correct?

Page 50 Page 52 A. So if he was mixing and he got it ¹ reference, but I can't remember which one it ² was. ² on his hands, he would wash it off with a ³ hose. If he was out in the field spraying O. Is that the median? ⁴ and he got it on his hands, he waited until A. Yes, that's the median. ⁵ he got back, which could have been one, two, Q. So if there's a bell curve, it can ⁶ be much -- it could be shorter or it could ⁶ three, four hours later. Q. But he would take a shower after be longer than 6 to 8 years; correct? that happened, if he spilled it on himself; A. Yes. correct? Q. And do you recall what that 10 10 reference says the bottom and the top of the MS. FORGIE: Objection. 11 THE WITNESS: Yes, he usually ¹¹ bell curve are, sitting here right now? 12 took a shower after spraying. A. I can't remember whether they give ¹³ that information. 13 BY MS. DU PONT: 14 Q. Does the fact that someone washes 14 Q. Do you consider hepatitis C 15 the Roundup off of them after they've gotten infection to be a causative risk factor for ¹⁶ it on their skin, does that decrease their non-Hodgkin's lymphoma? 17 MS. FORGIE: Objection. exposure in your mind? 18 18 THE WITNESS: Yes, active A. Yes. 19 19 hepatitis C infection. Chronic active Q. You agree that hepatitis C is a 20 ²⁰ risk factor for non-Hodgkin's lymphoma; hepatitis C infection. 21 21 BY MS. DU PONT: correct? 22 22 A. Yes. Q. And do you consider chronic, active 23 ²³ hepatitis C infection to be a causative risk Q. And it's also a risk factor for diffuse large B-cell lymphoma; correct? factor for diffuse large B-cell lymphoma? 25 MS. FORGIE: Objection. A. Yes. Page 51 Page 53 Q. In fact, in your report you mention THE WITNESS: Yes. ² that there's a 2 to 2.6-fold increased risk ² BY MS. DU PONT: ³ of diffused large B-cell non-Hodgkin's Q. There are medical studies out there ⁴ lymphoma with the infection of hepatitis C; ⁴ that actually discuss that infection with ⁵ correct? ⁵ hepatitis C is not really a risk factor, but A. Yes. ⁶ that it is a cause of diffuse large B-cell lymphoma; correct? Q. Do you know what the latency is ⁸ between exposure to hepatitis C virus and A. Yes. ⁹ development of diffuse large B-cell Q. Are you familiar with the monograph 10 lymphoma? from the International Agency for Research on Cancer regarding hep C? A. There's one study that actually was 12 ¹² able to look at that. It's probably A. Yes. 13 somewhere between 6 and 8 years. These are 13 Q. But you did not cite that on any of ¹⁴ in people with active hepatitis. So it's your reference lists; correct? A. I didn't think I needed to. ¹⁵ not very long, actually. Between 6 and ¹⁶ 8 years. 16 Q. And that's because it's redundant 17 Q. What study is that that you're of your belief that hep C is a causative ¹⁸ referring to? risk factor for non-Hodgkin's lymphoma? 19 19 A. It's one of the ones that I MS. FORGIE: Objection. 20 ²⁰ reference. I can't remember which one. THE WITNESS: It would be for 21 Q. You can't remember, sitting here the support. I've already accepted that 22 ²² today, what reference it is that says the as a fact in my report. ²³ latency for hep C in development is 6 to 23 BY MS. DU PONT: 24 O. Okav. 25 25 A. I could have referenced it, but I

A. I can't. It's one of the ones you

Page 54 Page 56 ¹ didn't. ¹ has been observed between the exposure and 2 ² the cancer in studies in which chance, bias, Q. I'm going to go ahead and mark as Exhibit 8 the IARC monograph on hepatitis C. and confounding could be ruled out with reasonable confidence? (Exhibit Number 8 was marked 5 for identification.) Do you understand that that's their 6 MS. FORGIE: Whenever you're definition? 7 ready for a break. A. Yes. 8 MS. DU PONT: We can finish Q. So with respect to hepatitis C, a 9 positive relationship has been observed this document, and we'll take a break. 10 between exposure to chronic hepatitis C and MS. FORGIE: Thanks. ¹¹ BY MS. DU PONT: ¹¹ cancer in studies in which chance, bias, and 12 12 confounding could be ruled out with Q. If you turn to page 158 of the 13 monograph under Section 5, "Evaluation," do reasonable confidence; correct? ¹⁴ you see that there is sufficient -- that A. Yes. 15 ¹⁵ IARC writes, "There is sufficient evidence Q. So is it fair to say that IARC's ¹⁶ in humans for the carcinogenicity of chronic conclusion that chronic hepatitis C ¹⁷ infection with HCV"? infection is a carcinogen is a stronger Did I read that correctly? conclusion than IARC has put forth regarding 19 A. Yes. glyphosate and carcinogenicity findings in 20 20 Q. And they note, "Chronic infection humans? with hepatitis C virus causes hepatocellular 21 MS. FORGIE: Objection. carcinoma and non-Hodgkin's lymphoma." 22 THE WITNESS: Yes, they said 23 23 Do you see that? HCV's a Group 1 and glyphosate is a 24 A. Yes. 24 Group 2A. 25 /// 25 Q. And then they go on to say, Page 55 Page 57 ¹ "Chronic infection with HCV is carcinogenic ¹ BY MS. DU PONT: to humans Group 1." Q. And IARC has noted, with respect to Do you see that? glyphosate, that there is limited evidence A. Yes. of carcinogenicity in humans; correct? Q. So IARC concluded that there was A. Yes. ⁶ sufficient evidence that chronic infection Q. And that's a lower standard than what they found here, which is sufficient ⁷ with the hepatitis C virus causes non-Hodgkin's lymphoma; correct? evidence in humans with HCV infection and 9 non-Hodgkin's lymphoma; correct? A. Yes. 10 Q. And that chronic infection with the 10 A. Correct. 11 11 HCV or the hepatitis C virus is carcinogenic MS. DU PONT: We can take a 12 12 to humans Group 1; correct? break now. 13 13 A. Yes. MS. FORGIE: Thank you. Q. And we know that Mr. Hardeman had 14 THE VIDEOGRAPHER: The time is 15 ¹⁵ anywhere between 25 and 40 years of chronic 9:30 a.m., and we are off the record. ¹⁶ hepatitis C infection prior to his diagnosis 16 (Recess taken from 9:31 a.m. 17 of non-Hodgkin's lymphoma; correct? to 9:41 a.m.) 18 18 THE VIDEOGRAPHER: The time is MS. FORGIE: Objection. 19 19 THE WITNESS: Correct. now 9:41 a.m., and we are back on the 20 ²⁰ BY MS. DU PONT: record. Q. And do you understand that when 21 BY MS. DU PONT: ²² IARC concludes that there is sufficient 22 ²³ evidence of carcinogenicity with respect to ²⁴ a virus or any substance, that that means 25 that there's a positive relationship that



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Page 66 Page 68 1 ¹ results when they were only looking at 2 ² sub-groups within their meta-analysis; THE WITNESS: It's not really 3 ³ correct? clear to me what they're trying to say. 4 Are they trying to say that one is MS. FORGIE: Wait. Objection. 5 5 better than the other? It's clear that Asked and answered. You just asked that 6 6 question. the viral RNA is a better test than the 7 7 You can answer it again. other, based on the other studies that I 8 8 THE WITNESS: So I'd like to cite. 9 So it just depends on your read the paragraph. 10 10 BY MS. DU PONT: methodology and what -- in some studies, 11 how much money you have to do the 11 Q. Okay. 12 12 A. I have to read it to understand it. testing. 13 13 So you have to make -- you have MS. FORGIE: You can read as 14 14 to make decisions based on a variety of much as you need. You can read the 15 15 parameters. They could have done a whole study if you need to. 16 meta-analysis on the smaller group that 16 THE WITNESS: So what they're 17 17 just had the RNA. And they could have saying is that they had substantially 18 18 done that. They didn't do it. the same finding, whether they looked at 19 ¹⁹ BY MS. DU PONT: just the antibody or they looked at just 20 20 Q. So the authors actually looked at the RNA. ²¹ whether or not just having the HCV RNA 21 BY MS. DU PONT: ²² findings impacted the results. 22 Q. Right. 23 23 A. But they didn't do the critical I'll refer you to page 2083, the ²⁴ last paragraph on the right-hand column. ²⁴ thing and look at the risk for those that ²⁵ The authors state, "Another possible had the antibody but didn't have the RNA. Page 67 Page 69 ¹ Okav? ¹ source" -- do you see where I'm reading ² from? So you would expect that both risk ³ ratios would be increased because a subset A. 2083 where? ⁴ of those with the antibody, maybe a Q. The last paragraph. A. Yeah, okay. substantial subset, have the RNA. Okay? O. "Another possible source of So this doesn't really address the ⁷ heterogeneity between studies could be the question that's posed in some of the other definition of HCV infection that was not studies. Okay? 9 consistent across studies or different O. Okay. ¹⁰ illicit generations used." 10 A. It's saying you can measure both, 11 Then they note that some studies -and you'll pretty much find the same thing because everybody -- because many people who 12 they basically say various studies are ¹³ defining HCV positivity differently. 13 have the antibody also have the DNA -- or They note that when only studies ¹⁴ the RNA. ¹⁵ using third-generation ELISA were included, So it doesn't really -- it doesn't ¹⁶ the pooled relative risk was 2.5, suggesting ¹⁶ really -- they could have done this. They could have taken the cases that had just the ¹⁷ that the HCV definition and ELISA generation ¹⁸ neither explained the heterogeneity between antibody and didn't have the RNA and they probably would have found what the other ¹⁹ studies nor adduced substantial bias; right? 20 A. I don't know. I'd have to reread papers I cite found, that the people with ²¹ this again. 21 just the antibody do not have an elevated ²² risk. 22 Q. Basically when they tried to --

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controlled for the different types of

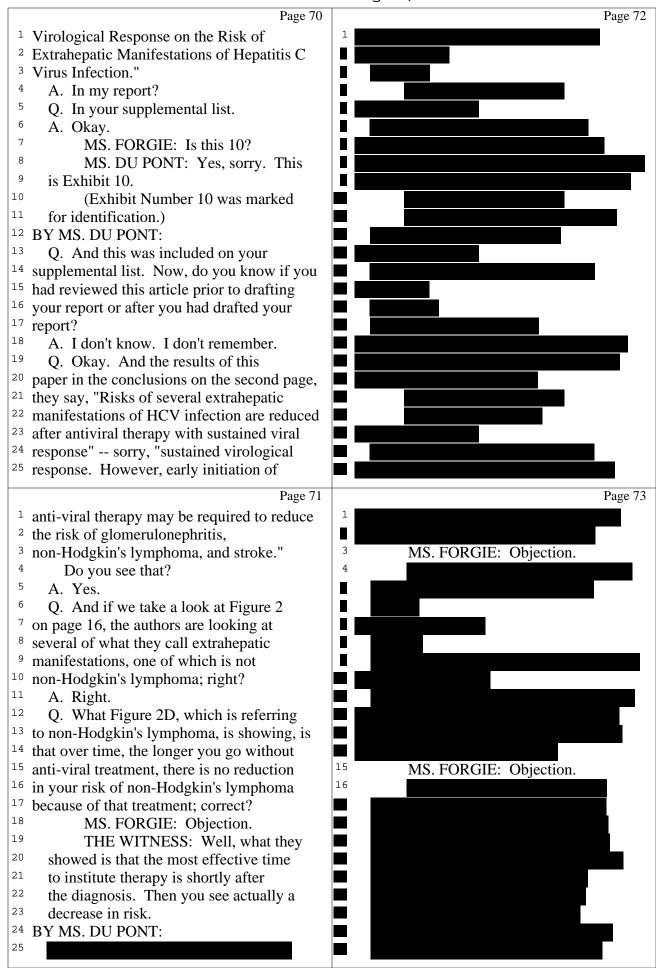
²³ when they did further analysis and

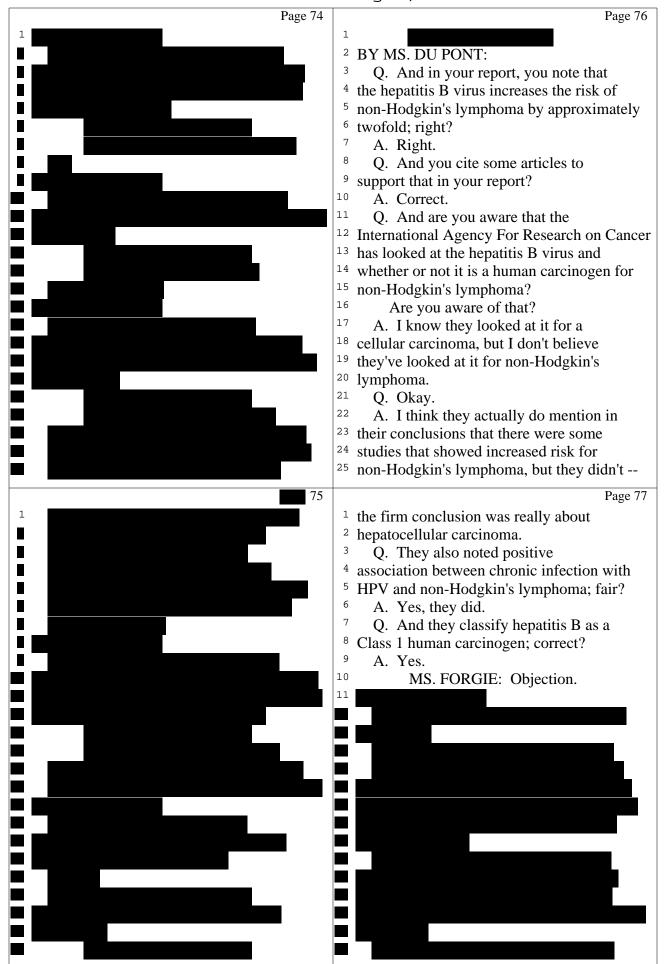
25 studies, they didn't see inconsistent

Q. Okay. You can put that aside.

²⁵ Mahale entitled, "The Effect of Sustained

Now, you also cite an article by





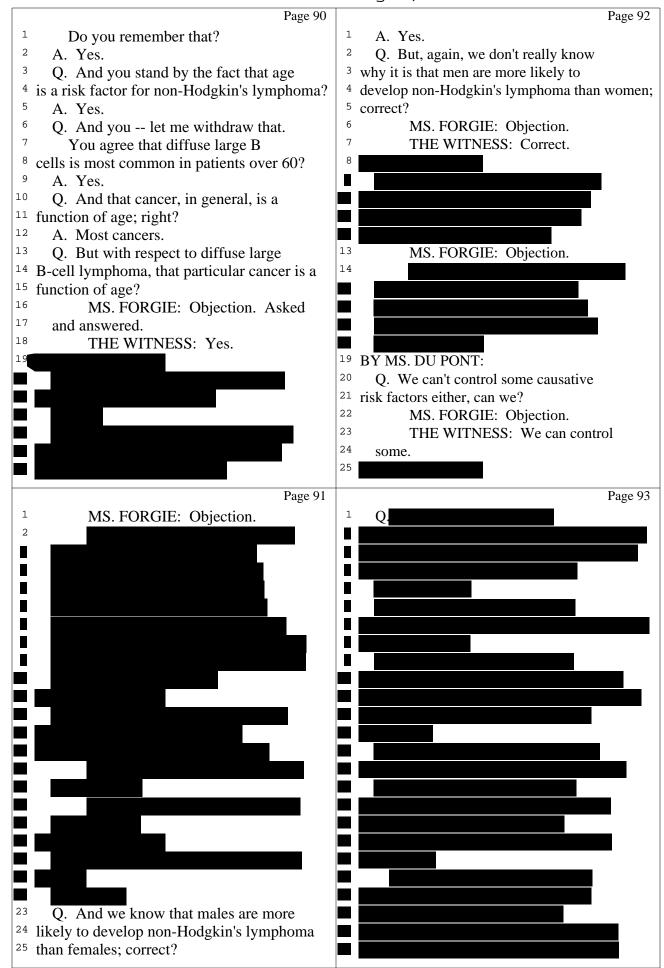


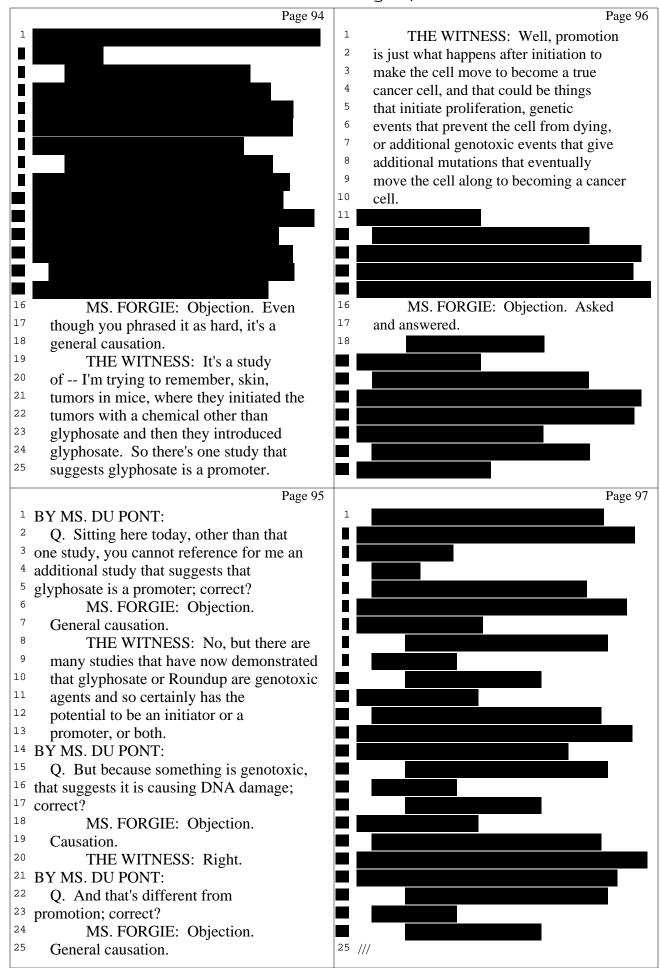
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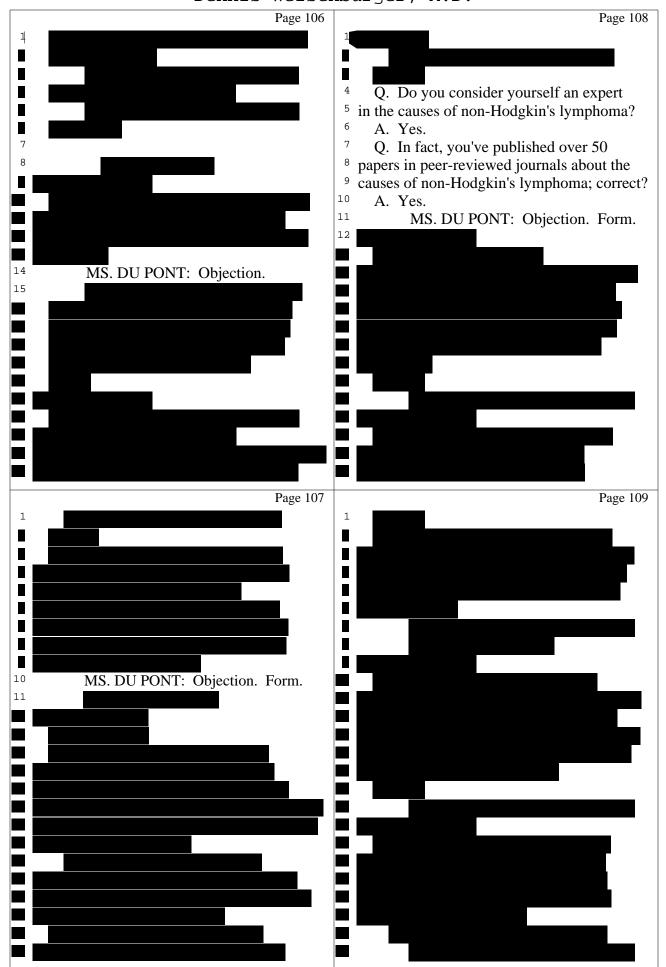
Page 86 Page 88 1 So can we go off the record for a ¹ The abstract, I think, is --Q. It flips them in the abstract. second? 3 A. It flips them in the abstract; so (Discussion off the record.) 4 ⁴ that's an error. There's an error THE VIDEOGRAPHER: The time is 5 somewhere, and we don't really know for sure now 10:15 a.m., and we are off the 6 ⁶ where the error is. record. 7 Q. So are these based on Table 3, the (Recess taken from 10:15 a.m. 8 to 10:29 a.m.) relative risk -- the unadjusted relative 9 THE VIDEOGRAPHER: The time is risk for males that are overweight with 10 diffuse large B-cell lymphoma is 1.27 and now 10:29 a.m., and we're back on the 11 ¹¹ the adjusted relative risk is actually 1.34; record. 12 correct? 12 BY MS. DU PONT: 13 A. Yes. 14 Q. And explain to me why you are ¹⁵ relying on the unadjusted number and not the ¹⁶ adjusted number. A. I could have relied on either one. ¹⁸ It doesn't truly matter to me. Q. Okay. And elsewhere, in this paper, it notes that the relative risks of diffuse large B-cell lymphoma in obese men and women was 1.4 and 1.34, respectively. That's in the abstract. 24 Do you see that? 25 25 /// A. It says, "The relative risk of Page 87 Page 89 (Exhibit Number 11 was marked ¹ diffuse large B-cell lymphoma in overweight 2 ² men and women was 1.22 and 1.27, ³ respectively." The number for men is wrong. Q. Right. A. So they just flipped those two, I think, is what they did. Q. But I'm actually referring to later Q. And can you just refer me to the in the text where they're talking about 10 number that you are correct -- where in this obese men and women with diffuse large ¹¹ article you've gotten the new number that B-cell lymphoma, and they report relative ¹² you've corrected in your report? risks of 1.4 and 1.34 in the abstract. 13 A. Yeah, it's page 126, Table 3, which Do you see that? ¹⁴ is the table on overweight. If you go down A. Yes, yes. They didn't report the on the second column, about the middle, it adjusted odds ratios either in the abstract. ¹⁶ says, "Male," and then you go across, it's Q. Right. So the -- and in Table 4, ¹⁷ 1.27. With odds ratio -- 1.27 with a the relative risk for obese -- this is on ¹⁸ 95 percent confidence interval load of 1.09 page 127, "The relative risk for obesity and ¹⁹ to 1.47. diffuse large B-cell lymphoma in males is ²⁰ 1.4"; correct? 20 That's what I was quoting. ²¹ Actually, the paper confuses the odds 21 A. Yes. ²² ratios. In some places, it reverses them. 22 Q. Okay. You can set that aside. ²³ So it's hard to know what to rely on. 23 We talked at your deposition the But I think this agreed with the other day about how age is a risk factor for non-Hodgkin's lymphoma. 25 text so that's, in the end, what I used.

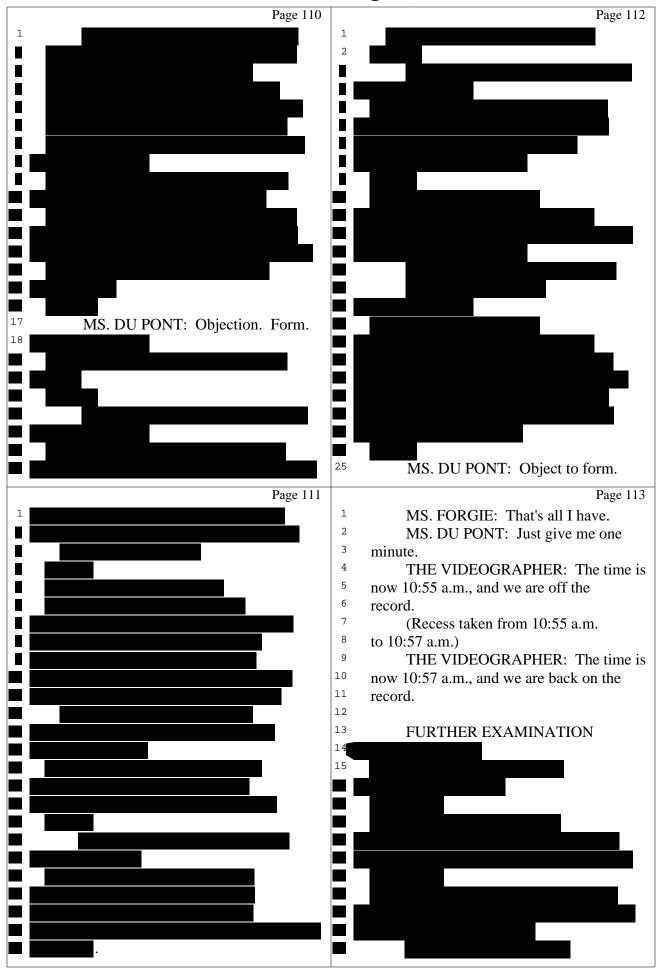


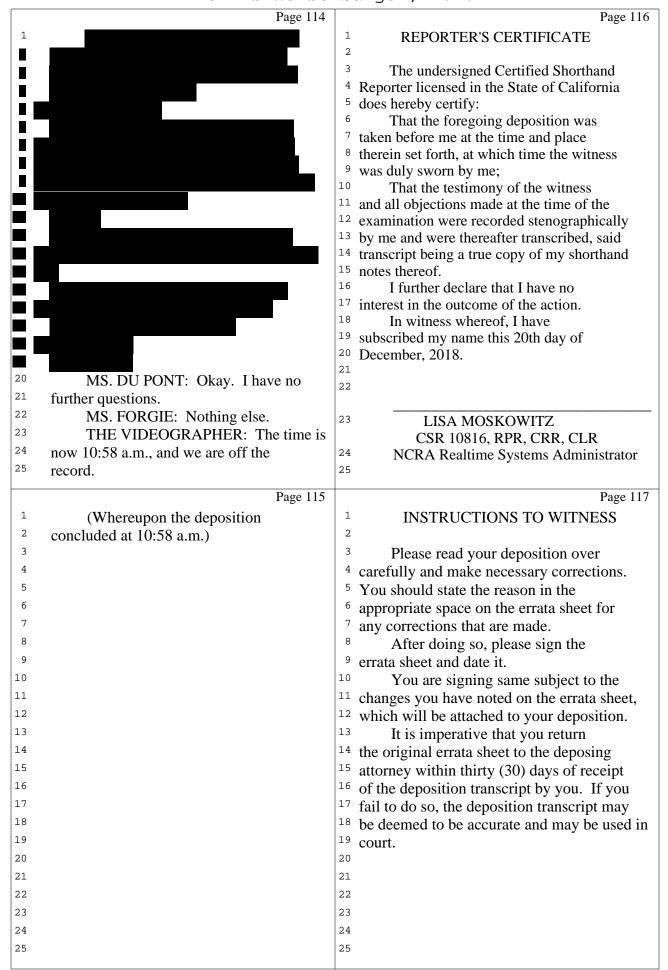












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1	ERRATA SHEET	1	LAWYER'S NOTES	
2		² PAGE	LINE	
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4	PAGE LINE CHANGE	4		
5		5		
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5 6 7	ACKNOWLEDGMENT OF DEPONENT I, DENNIS WEISENBURGER, M.D., do hereby certify that I have read the foregoing pages, 1-119, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.			
13	DENNIS WEISENBURGER, M.D. DATE			
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