

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CITY OF GREENVILLE, ILLINOIS <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	
)	Case No. 10-188-JPG-PMF
SYNGENTA CROP PROTECTION, INC.,)	
and SYNGENTA AG,)	
)	
)	
Defendants,)	

**REPLY MEMORANDUM ON PLAINTIFFS' MOTION TO AMEND SCHEDULING
ORDER**

Syngenta Crop Protection, Inc.'s ("SCP") response to Plaintiffs' motion to amend the scheduling order blatantly misrepresents facts and the discovery issues remaining on class certification. The exceptional distance between reality and SCP's representations warrant this reply brief.

A. Plaintiffs' counsel attempted to work out an agreement with defense counsel on scheduling.

SCP falsely claims that Plaintiffs did not consult with SCP regarding their proposed changes to the scheduling order. Doc 175 at 2, 5. Plaintiffs' counsel did attempt to resolve the issues with defense counsel before filing their motion. But defense counsel informed Plaintiffs' counsel that SCP would not agree to extend the scheduling order by 90 days. *See* Affidavit of Christie Deaton (Exhibit 1) (attached hereto).

B. It would neither be fair to Plaintiffs nor realistic for Plaintiffs to be bound by the current scheduling order.

Even without considering the outstanding issue of whether Plaintiffs are entitled to *any* discovery relating to class certification from defendant Syngenta AG (a matter that has necessarily been postponed pending a ruling on Syngenta AG's motion to dismiss for lack of jurisdiction), the current scheduling order was based on the assumption that discovery disputes with SCP would not drag on well into the summer. That assumption, unfortunately, is doomed to prove false.

Plaintiffs served SCP with interrogatories and requests for production on November 1, 2010. The current scheduling order, agreed to in January 2011, contemplated that after SCP properly responded to these requests (as well as its Rule 26 Initial Disclosures), Plaintiffs would have about six months to complete their review of the documents and take the depositions of persons whose testimony is relevant for class certification. Plaintiffs did not anticipate that SCP would serve its first responses to Plaintiffs' discovery requests on May 9, 2011, more than five months after they were due. And Plaintiffs certainly did not anticipate that SCP's responses would still be wholly inadequate even after the inordinate delay in responding. SCP has still not provided its Rule 26 Initial Disclosures.

SCP takes the position that it has (or soon will) respond sufficiently to discovery requests to proceed on the current scheduling order's class certification deadlines because it has produced voluminous documents and provided answers to interrogatories in the *Holiday Shores* litigation. Doc 175. There are several problems with SCP's position. First, a party does not satisfy the Rules regarding discovery by producing "a lot of documents." SCP is required to provide complete, non-evasive responses to the discovery propounded in this case, which (as the Court is likely to discover in the coming weeks) SCP has altogether failed to do.

Second, SCP's responses to discovery requests assume, without explanation or justification, that its discovery responses in *Holiday Shores* satisfy its duty to respond to Plaintiffs' discovery requests here. SCP goes so far as to call its first response to requests for production in this case a "supplemental" response -- on the ground that the discovery in *Holiday Shores* is "similar" and "overlaps" with the discovery requests here. *See* Defendant's First Supplemental Responses to Plaintiffs' First Requests for Production (attached in part as Exhibit 2¹). But the interrogatories and requests for production in this case are different than the discovery requests in *Holiday Shores*. Neither the Rules nor any order of this Court permits defendants to slide over the differences between the discovery requests in these two separate cases as if they were of no moment.

To mention only one of the more obvious differences important to class certification, *Holiday Shores* involves plaintiffs and putative class members located exclusively in Illinois; whereas this case involves more than 30 Plaintiffs seeking to represent hundreds of water districts across six different states. Obviously, defendants must here be required to produce information and documents relating to the sales and distribution of atrazine-related products in states other than Illinois so that Plaintiffs may properly define the class to correspond with defendants' common conduct toward the Plaintiffs and putative class members. To date, SCP has made no effort to collect such information.

Third, SCP's claim that its discovery responses in *Holiday Shores* should be sufficient for class certification issues here is belied by the following: that SCP has agreed that many of its discovery requests in *Holiday Shores* are inadequate; that SCP has been ordered to (but has yet

¹ While the full text of SCP's responses to Plaintiffs' Requests for Production is 970 pages, approximately 920 pages consists solely of a list of studies that SCP describes as follows: "Syngenta conducted a particular search which generated the attached lengthy list, which may contain some studies that do not related to atrazine or may otherwise be irrelevant...." For the convenience of the Court and the parties for the purposes of this motion, Plaintiffs have eliminated most of this list (pages 11-929) from the Exhibit.

to) supplement those responses; and that pending before the *Holiday Shores* court are several discovery disputes, including motions to compel, three separate motions for sanctions, and an upcoming evidentiary hearing. *See, e.g.*, Holiday Shores Order dated March 3, 2011 (attached as Exhibit 3).

On May 9, 2011 (yesterday), for the first time, SCP objected to each of Plaintiffs' interrogatories and requests for production by stating that its responses "remain subject to, and do not waive, any objections asserted by Syngenta in response to similar Requests served in parallel litigation pending in the Circuit Court of Madison County" *See* Defendant's Responses to Plaintiffs' First Interrogatories (attached in part as Exhibit 4²) and Exhibit 2.

As part of SCP's discovery responses, SCP (for the first time) makes numerous objections to Plaintiffs' definitions and specific interrogatories and requests for production. And for the first time it has identified persons who have "relevant" information and who have the "most knowledge" regarding several subjects. *See* Exhibit 4, ResponseNos. 1, 2, and 3. Affidavits filed by Kurt Reed in *Holiday Shores* show that SCP has not collected (much less produced) any documents from 20 of the 44 persons SCP claims have "relevant" information, and that it has collected no documents from eight of the 17 persons it claims have the "most knowledge."

For obvious reasons, defendants would like to force Plaintiffs to go forward with class certification briefing even though Syngenta AG has produced no documents and SCP has come nowhere near responding fully to Plaintiffs' discovery requests. But that would obviously prejudice Plaintiffs. If the current scheduling order stands, Plaintiffs have less than 3 months to

² For the convenience of the Court and for the parties for the purposes of this motion, Plaintiff is only attaching those portions of the SCP's interrogatory responses that are referenced in this brief. Plaintiffs' Exhibit 4 consists solely of pages 1-15 and 116-118, which encompass SCP's general objections, objections to definitions, and responses to the first three interrogatories, as well as the signature pages.

do the following: (a) meet and confer regarding SCP's objections and deficiencies in its initial responses to discovery and Initial Disclosures (when those are received); (b) bring all unresolved issues relating to class certification and other issues before this Court for resolution; (c) review any additional documents and information produced as a result of (a) and (b); and then (d) take all of the depositions essential to support class certification in this case. Plaintiffs estimate that they will seek to depose *at least* 30 persons relating specifically to issues relevant to class certification. Even without considering the issues relating to Syngenta AG, it is simply not practicable for all this to occur within the limits set by the current scheduling order.

Conclusion

In light of the complexity of the issues raised in this case, the fact that only a fraction of the documents Plaintiffs have requested have been produced, and SCP's five-month delay even in responding to Plaintiffs' discovery requests, Plaintiffs believe their request for a 3 month extension is more than reasonable.

Respectfully submitted,

/s/ Stephen M. Tillery
CHRISTIE R. DEATON
KOREIN TILLERY, LLC
STEPHEN M. TILLERY
CHRISTINE J. MOODY
STEPHEN A. SWEDLOW
MICHAEL E. KLENOV
505 N. Seventh Street, Suite 3600
St. Louis, Missouri 63101
Telephone: (314) 241-4844
Facsimile: (314) 241-3525
CDeaton@koreintillery.com
STillery@koreintillery.com
CMoody@koreintillery.com
SSwedlow@koreintillery.com
MKlenov@koreintillery.com

PATRICIA S. MURPHY
MURPHY LAW OFFICE
P.O. Box 220
Energy, Illinois 62933-0220
Telephone: (618) 964-9640
Facsimile: (618) 964-1275
tsuemurphy@gmail.com

SCOTT SUMMY
CARLA BURKE
CELESTE EVANGELISTI
CARY MCDUGAL
BARON & BUDD, P.C.
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219-4281
Telephone: (214) 521-3605
Facsimile: (214) 520-1181
SSummy@baronbudd.com
CBurke@baronbudd.com
CEvangel@baronbudd.com
CMcdouga@baronbudd.com

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CITY OF GREENVILLE, ILLINOIS <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	
)	Case No. 10-188-JPG-PMF
SYNGENTA CROP PROTECTION, INC.,)	
and SYNGENTA AG,)	
)	
)	
Defendants,)	

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2011, I electronically filed the foregoing Reply Memorandum on Plaintiffs' Motion to Amend Scheduling Order with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record.

By: /s/ Stephen M. Tillery
STEPHEN M. TILLERY
KOREIN TILLERY, LLC
505 N. 7th Street, Suite 3600
St. Louis, MO 63101
Telephone: (314) 241-4844
Facsimile: (314) 241-3525
stillery@koreintillery.com

EXHIBIT 1

Affidavit of Christie Deaton
dated May 10, 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CITY OF GREENVILLE, ILLINOIS, *et al.*)

Individually and on behalf of all)
others similarly situated,)

Plaintiffs,)

v.)

Case No. 10-188-JPG

SYNGENTA CORP PROTECTION,)
INC., and SYNGENTA AG,)

Defendants.)

AFFIDAVIT OF CHRISTIE R. DEATON

I, Christie R. Deaton, being first duly sworn upon my oath, depose and state as follows:

1. I certify that the statements set forth in this instrument are true and correct. I make the following statements based on my personal knowledge and if called, I could competently testify to the matters stated herein.

2. On April 26, 2011, I was part of a conference call with SCPI's counsel Chris Murphy and Holland Tahvonen, concerning several interconnected issues related to Syngenta Crop Protection, Inc.'s response to Plaintiffs' discovery requests.

3. During the call, I spoke about Plaintiffs' counsel Stephen Tillery's communication with Defense counsel Michael Pope concerning a proposed joint motion to amend the scheduling order. Mr. Murphy responded that he had spoken

to Mr. Pope and was generally aware of the communication. Mr. Murphy stated that Defendant might be willing to work with Plaintiffs concerning a joint motion, but that it was not willing to agree to a 90 day extension of the dates in the scheduling order.

4. I explained Plaintiffs' position that a 90-day extension of dates was necessary due to Defendant's failure to respond to Plaintiffs' discovery requests and to timely serve its initial disclosures. Mr. Murphy voiced Defendant's disagreement with this position.

5. The parties were unable to come to an agreement on this issue.

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Executed on Tuesday, May 10, 2011, in St. Louis, Missouri.



Christie R. Deaton
KOREIN TILLERY
One U.S. Bank Plaza
505 N. 7th Street, Suite 3600
St. Louis, MO 63101
cdeaton@koreintillery.com
Attorney for Plaintiffs

EXHIBIT 2

Defendant Syngenta Crop Protection, LLC's First
Supplemental Responses to Plaintiffs' First Requests for
Production Directed to Defendant Syngenta Crop Protection, LLC
dated May 9, 2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CITY OF GREENVILLE, ILLINOIS <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 10-188-JPG-PMF
)	
SYNGENTA CROP PROTECTION, LLC, f/n/a)	
SYNGENTA CROP PROTECTION, INC., <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANT SYNGENTA CROP PROTECTION, LLC’S FIRST SUPPLEMENTAL
RESPONSES
TO PLAINTIFFS’ FIRST REQUESTS FOR PRODUCTION DIRECTED TO
DEFENDANT SYNGENTA CROP PROTECTION, LLC**

COMES NOW Defendant Syngenta Crop Protection, LLC, f/n/a Syngenta Crop Protection, Inc. (“Syngenta”), and for its Responses to Plaintiffs’ First Requests for Production directed to it, states that its responses to the Requests below remain subject to, and do not waive, any objections asserted by Syngenta in response to similar Requests served in parallel litigation pending in the Circuit Court of Madison County, Illinois, namely *Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al.*, Cause No. 2004-L-000710 (the “HSSD case” or “HSSD litigation”). Notwithstanding the above, and for its Responses to Plaintiff’s First Requests for Production, Syngenta states as follows:

DEFINITIONS

As used in these Requests, the following terms shall have the following meanings:

1. “Atrazine” means 2-chloro-4 ethylamino-6-isopropylamino-s-triazine.
2. “Atrazine related compound” means any of the compounds identified collectively as “related compounds” in the list of active ingredients on an atrazine-containing product’s label or packaging.
3. “Atrazine-containing product” means a product in which atrazine is an active ingredient.
4. “Atrazine Degradate(s)” means any of the chemicals into which atrazine breaks down or that are formed by the reaction and/or combination of atrazine or its degradants and other chemicals commonly found in water supplies. These include, but are not limited to:
 - deethylatrazine (a/k/a DEA and 2-Amino-4-chloro-6-isopropylamino-s-triazine);
 - deisopropylatrazine (a/k/a DIA and 2-Amino-4-chloro-6-ethylamino-s-triazine);
 - diaminochloroatrazine (a/k/a DAC or 2,4-Diamino-6-chloro-s-triazine);
 - ammeline;
 - ammelide;
 - n-ethylammelide
 - n-isopropylammelide;
 - cyanuric acid;
 - hydroxyatrazine;
 - hydroxideethylatrazine;
 - hydroxydeisopropylatrazine; and
 - n-nitrosoatrazine.

RESPONSE: Syngenta sates that several of the chemicals listed above are not “commonly found in water supplies” as suggested by Plaintiffs. Moreover, although n-nitrosoatrazine is defined as a degradate by plaintiffs, Syngenta states that n-nitrosoatrazine is not a true breakdown product of atrazine.

5. “Date” means the exact day, month, and year, if ascertainable, or if not, a description of the temporal relationship of the occurrence for which the date is sought to the closest dates which are ascertainable.
6. “Defendants” means Syngenta Crop Protection, Inc. and Syngenta AG, and any predecessors, divisions, subdivisions, foreign subsidiaries, foreign subsidiaries of predecessors, domestic or foreign corporate parents, and/or affiliates.

OBJECTIONS: Syngneta objects to this Definition on the grounds that the same is overbroad, burdensome, oppressive, harassing, meant to annoy Syngenta seeks information which is irrelevant and immaterial to any issue in this case, seeks information which is not reasonably calculated to lead to the discovery of admissible evidence at trial,

and seeks information which is beyond the scope of permissible discovery. Certain of the subsidiaries and/or predecessors of Syngenta date back to at least the mid-1700's and it is unreasonable to demand that Syngenta search for responsive information that far back in time. Syngenta further objects to any discovery directed to "any predecessors, divisions, subdivisions, foreign subsidiaries, foreign subsidiaries of predecessors, domestic or foreign corporate parents, and/or affiliates" on the grounds that Plaintiffs have failed to sustain their legally-required burden of demonstrating requisite control by any such entities over Syngenta or Syngenta's control over the documents of any of its "predecessors, divisions, subdivisions, foreign subsidiaries, foreign subsidiaries of predecessors, domestic or foreign corporate parents, and/or affiliates." Additionally, Syngenta objects to this Definition on the grounds that the same violates the due process rights of any "predecessors, divisions, subdivisions, foreign subsidiaries, foreign subsidiaries of predecessors, domestic or foreign corporate parents, and/or affiliates" of Syngenta, including any such entities located in or organized or existing under the laws of the nation of Switzerland. Syngenta further objects to any discovery related to any entity associated or affiliated with Syngenta which is located or domiciled in Switzerland, as such discovery is violative of various provisions of Swiss law, including, but not limited to, Articles 271 and 273 of the Swiss Penal Code, the Federal Act on Data Protection, and its accompanying Ordinance on the Federal Act on Data Protection.

Subject to the foregoing objections, without waiving the same, and to protect the Record, Syngenta continues to note its objections to this Definition, its scope, and continues to assert its position that production of documents located in Switzerland is barred (as noted above) to the extent that any such documents cannot be obtained due to computer or IT access limits placed on certain types and categories of information. Syngenta has advised Plaintiffs of the minimal measures that need to be taken to apply to a Swiss court to obtain release of certain electronic and hard copy documents located therein, but Plaintiffs refuse to engage in such process.

Subject to the foregoing objections, without waiving the same, and subject to the Protective Order entered in this case, Syngenta will produce any non-privileged, relevant and responsive information or documents. Further answering, the correct name of the Defendant is Syngenta Crop Protection, LLC f/n/a Syngenta Crop Protection, Inc.

7. "Document(s)" means documents or electronically-stored information stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form, including but not limited to writings, drawings, graphs, charts, photographs, sound recordings, images, other data and data compilations, and information or data that identifies, describes, locates or links to such documents or data, including but not limited to computer and network activity logs, file inventories, file folders, indices, and metadata.
8. "Health effects" means any effect or potential effect, adverse or otherwise, to human health or the health of other living organisms.

9. “Identify” or “state” means provide information with precision and accuracy sufficient, after reasonable investigation (including but not limited to directing inquiries to your employees and agents and examining documents in your possession, custody or control), to distinguish and describe the subject matter with reasonable specificity. For example:
 - For a person – full name, last known address (or date of death, if applicable), employer name and job title.
 - For a place – information including but not limited to:
 - state;
 - county, township, city, town, village or other political subdivision;
 - street address;
 - township, range, section and quarter-section;
 - parcel number;
 - latitude and longitude; and
 - GPS coordinates.
 - For a date – e.g., year, season or quarter, month, day, time.
 - For a document – date, title or subject, description of contents, author(s), recipient(s), custodian(s).
 - For data – description, format, date (or date range), source(s), custodian(s).
 - For an entity – name, address, principal place of business, state of incorporation (if applicable).
10. “Metabolite” means a breakdown product, intermediate, or other biochemical substance produced by biological processes.
11. “Or” shall be construed either conjunctively or disjunctively to bring within the scope of these Interrogatories any information which might otherwise be construed to be outside their scope.
12. “Study” or “studies” should be understood to include all internal and external studies and all research, surveys, tests, investigations, assessments, drafts and summaries of same and all communications concerning such study or studies.
13. “Water resource” or “water supply” means groundwater, surface water, and/or any system for the provision to the public of water for human consumption.
14. “You,” “your,” “yours,” “Syngenta,” or “Syngenta” means the answering defendant and any of its merged, consolidated, or acquired predecessors, divisions, subdivisions, foreign subsidiaries, foreign subsidiaries of predecessors, domestic or foreign corporate parents, and/or affiliates including, but not limited to J.R. Geigy Limited, Ciba Crop Protection, Zeneca Agrochemicals, Ciba-Geigy Limited, and Novartis Agribusiness. This definition includes present or former officers, directors, agents, representatives, employees, and all other persons acting or purporting to act on behalf of Syngenta Crop Protection, Inc., or its predecessors, subsidiaries, and/or affiliates. “Predecessors” means any business firm,

whether or not incorporated, which had all or some of its assets purchased or acquired by Syngenta Crop Protection, Inc., whether by merger, consolidation, or otherwise. “Subsidiaries” further means any business firm, whether or not incorporated, which is or was in any way owned or controlled, in whole or in part, by Syngenta Crop Protection, Inc., or its predecessors. Representative means any partner, agent, employee, consultant, attorney, accountant, or anyone else acting or purporting to act for, at the direction of, or on behalf of another.

OBJECTIONS: See objections and response to Definition 6 above.

REQUESTS FOR PRODUCTION

***NOTES:**

1. Syngenta has heretofore produced ~4.8 Million unique pages of documents in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation. Syngenta designates and stipulates that any documents produced in the HSSD litigation shall be deemed to have been produced in the instant Greenville case as well.

2. Additionally, Syngenta is limited in certain respects by its previously produced Records Retention policies as to certain kinds of documents it still has in its possession. Thus, responses to Requests for “any and all documents...” are necessarily limited by the operation and implementation of such policies.

3. Finally, Syngenta has requested several times pursuant to the Local meet and confer Rules for clarification and limitation of the scope of discovery going forward since its last formal document collection in February, 2010, and while they have advised they would discuss the same, Plaintiffs have failed to respond or clarify. Thus, Syngenta intends to continue with its current and ongoing rolling document production until Plaintiffs provide the requested response and clarification.

1. Produce each written statement and note, memorandum, transcript, and/or recording of each oral statement or testimony, of any person who has, or has claimed to have, knowledge of facts or possession of information relevant to any of the claims or defenses in this case.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD’s First Requests for Production No. 97.

Further responding, Syngenta states that certain of the Plaintiffs have made various statements regarding atrazine at their regular meetings which are contained in their public minutes or their own web sites and/or have been reported in the print and other news media, or are otherwise equally, if not more, available to Plaintiffs than they are to Syngenta. Syngenta is aware of certain interviews/statements made to the print or other news media by certain representatives of various community water systems over the course of time, such as Piqua, OH.

Certain of the plaintiffs have also had various written and oral communications with representatives of Syngenta during the regular course of Plaintiffs’ business with respect to site inspections, water monitoring activities, water sampling, reporting of monitoring and sampling results, and other activities related to their compliance with the Safe Drinking Water Act, other federal, state and local laws, and as part of USEPA federally-mandated activities under the Memorandum of Agreement, which is known to Plaintiffs. Syngenta has copies of certain correspondence and/or reporting between and with certain of the Plaintiffs, and has a log of

communications with certain Plaintiffs and members of the putative class beginning in approximately 2003; Syngenta is collecting and will produce the same in its rolling production of documents which may contain such documents and information. Plaintiffs' employees and representatives of Syngenta have also attended various conferences and meetings sponsored by various federal, state, local and third party groups/entities at which employees or representatives of certain of the Plaintiffs may have also been in attendance and/or may have submitted papers or made presentations but such documents are not kept or maintained in any central location.

Except as set forth above, Syngenta states that to the best of its present knowledge, it does not have any recorded or verbatim statements of any of the Plaintiffs.

Syngenta states that certain of the EcoRisk panel meetings/conferences/discussions over the years were recorded by EcoRisk. Additionally, at least certain of the SAP hearings related to atrazine were either recorded on behalf of the USEPA by a court reporter and/or were video-taped, all of which should be available from the USEPA. Syngenta also believes that at certain times, members of the press and/or other third party groups or entities taped or video-taped portions of certain of SAP hearings.

2. Produce any and all correspondence or other documents containing or memorializing any communications that you have had, and/or that anyone acting on your behalf has had, with anyone at any time concerning this lawsuit or similar litigation, excluding any such communications between you and your attorneys.

RESPONSE: See response to RFP 1 above. Additionally, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 98. Further responding, Syngenta is collecting and will produce non-privileged, relevant, and responsive documents in its rolling production of documents to the extent such documents and information exist.

3. Produce any and all documents reflecting communications between any officer, employee, or agent of Syngenta and any other person (other than your attorneys) regarding any litigation or administrative proceeding that you are or have been involved in related to atrazine, atrazine-containing products, atrazine related compounds, atrazine degradates, and or atrazine metabolites.

RESPONSE: To the extent that any documents (except studies which are available under certain limited conditions) from FIFRA Data Compensation arbitrations involving Syngenta are responsive to this Request, those documents are governed by or are subject to protective or confidentiality orders or agreements, or applicable Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA") or American Arbitration Association ("AAA") rules, regulations, or procedures, so that Syngenta cannot produce the same outside the limits thereof.

Subject to the foregoing, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al.,

Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 98. Syngenta has also disclosed the captions and case numbers of various litigation matters in response to HSSD's First Set of Interrogatories No. 11, which matters are available from those courts files or other public records.

4. Produce any and all documents relating to any settlement agreement to which you are a party, or release that you have received from any person, firm, or corporation, that relates to any claim or potential claim arising from the use or application of, the alleged contamination of any water resource or water supply by, and/or the alleged health effects of, atrazine, atrazine-containing products, atrazine related compounds, atrazine degradates, and/or atrazine metabolites.

RESPONSE: Syngenta responds that the information sought in this Request is inadmissible under Federal Rule of Evidence 408, is not reasonably calculated to lead to the discovery of admissible evidence at trial and is beyond the scope of permissible discovery.

5. Produce any and all of the more than 6000 studies of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products and compounds referenced in the press release from Syngenta Crop Protection, Inc. attached hereto as Exhibit 1.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Request for Production No. 1. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

Further responding, Syngenta has produced multiple lists of those studies to Plaintiffs in the aforesaid *HSSD* litigation. Additionally, see response to Plaintiffs' RFP No. 7 below.

Syngenta states that there are voluminous materials on the USEPA web site which are responsive to this Request. Generally, EPA has atrazine specific information, or links to atrazine or related information, at the following sites:

1. The USEPA has the following web site:

<http://www.epa.gov/oppsrrd1/reregistration/atrazine/>. This is what may be termed the general USEPA Atrazine web page. It lists all of the Docket Information, including various docket information relating to the:

- USEPA's Review of Atrazine;
- EPA's Special Review Process for Atrazine;
- Atrazine Reregistration Risk Assessments; and the
- FIFRA SAP materials associated with the 2003 Atrazine Reregistration and the 2009 Atrazine Evaluation, including the SAP separate Docket ID numbers for all of the SAP Hearings.

This web site also lists in detail and links to (which are described more fully below):

- Atrazine Updates (as of April 28, 2011) through March, 2011;
- Decision Documents related to Atrazine; and
- Various Federal Notices related to Atrazine.

Syngenta advises Plaintiffs that it intends to rely upon, reference or utilize any of the data, materials or documents located in, on or through any of these web sites.

2. The USEPA also has the following web site:

http://www.epa.gov/oppsrrd1/reregistration/atrazine/atrazine_update.htm. This site contains information related to atrazine re-registration and atrazine updates, including:

- The Atrazine Evaluation Process;
- Triazine Cumulative Risk Assessment;
- Atrazine Post-IREDD Results, including the OPP's Monitoring in Community Water Systems, Ecological Watershed Monitoring Program, Cancer and Amphibians.
- This page also has search boxes on the right hand side of the screen re Atrazine SAP Meetings and Atrazine Evaluation.

Syngenta advises Plaintiffs that it intends to rely upon, reference or utilize any of the data, materials or documents located in, on or through any of these web sites.

3. The USEPA also has the following web site:

<http://www.regulations.gov/#!docketDetail;D=EPA-HQ-OPP-2003-0367>. This site contains information related to the Atrazine "Docket Folder Summary," or what is commonly called the Atrazine Public Docket. The USEPA Docket ID Number is EPA-HQ-OPP-2003-0367. The home page of that Folder Summary is entitled: "Atrazine: Notice of Availability of Revised Atrazine Interim Reregistration Eligibility Decision (IREDD)." Contained within that web site (as of April 28, 2011) are 209 items in the Docket Folder. These items include:

- 137 Public Submissions;
- 71 items of Supporting and Related Material; and
- 1 Notice.

Syngenta advises Plaintiffs that it intends to rely upon, reference or utilize any of the data, materials or documents located in, on or through any of these web sites.

4. Additionally, the USEPA has the following web site:

<http://www.epa.gov/pesticides/chemical/foia/cleared-reviews/reviews/080803/080803.htm>. This site contains its Freedom of Information Act (FOIA) page for Atrazine, and the Index of Cleared Science Reviews for Atrazine (PC Code 080803). Adobe Reader is needed to view many of the files on this page. As of April 28, 2011, this page contained links to and/or pdf's of various scientific reviews ranging in date from at least 1964-2006. These are among the approximately 6,000 studies that USEPA has considered regarding Atrazine.

Syngenta advises Plaintiffs that it intends to rely upon, reference or utilize any of the data,

materials or documents located in, on or through any of these web sites.

5. For comprehensive data sets, USEPA has multiple sites which are all listed on the following link: http://www.epa.gov/pesticides/science/models_db.htm#databases. Syngenta advises Plaintiffs that it intends to rely upon, reference or utilize any of the data, materials or documents located in, on or through these web sites or any of its links. These are among the approximately 6,000 studies that USEPA has considered regarding Atrazine. In particular, Syngenta advises Plaintiffs that if they access the web site http://www.epa.gov/pesticides/science/models_db.htm#databases, a search window appears. The USEPA Science and Policy page appears which lists models and databases. If Plaintiffs type in (search for) atrazine, as of April 28, 2011, 614 results appear all related to the Science and Policy collection. Syngenta intends to rely upon, reference or utilize any or all references, sources or content set forth therein. In addition, a box appears in the upper right hand portion of that aforesaid page entitled: "Related Searches." If Plaintiffs click in that search box on "risks atrazine," 5,450 results regarding atrazine are listed in all areas of the USEPA web site. Syngenta also intends to rely upon, reference or utilize any or all data, materials, documents, references, sources or content set forth therein. These are among the approximately 6,000 studies that USEPA has considered regarding Atrazine.

In addition to the above-referenced web sites from which various studies/reports/articles, can be obtained, see the following list (in the interests of time and the spirit of cooperation encompassed in the Rules, Syngenta conducted a particular search which generated the attached lengthy list, which may contain some studies that do not relate to atrazine or may otherwise be irrelevant; by producing this particular exhibit, Syngenta does not waive any objections it may have to the production, use or admissibility of any particular study/item disclosed on said list:

EPA Pesticide and MRID Data Searches

18,138 MRID's related to **Atrazine**

<u>MRID</u>	<u>Admin #</u>	<u>Description</u>	<u>Study Date</u>	<u>Submit Date</u>
48402903		Perez, S.; Perez, R.; Chen, S.; et al. (2011) FIFRA Section 6(a)(2) Annual Report for Atrazine, Metolachlor, Propazine, Simazine, DACT, DIA and DEA Monitoring Data for Surface Water Samples Collected in the 2010 Atrazine Monitoring Program, 2010 Atrazine Ecological Monitoring Program, 2010 Simazine Monitoring Program, 2010 Simazine Confirmatory Monitoring Program and 2010 Stewardship Voluntary Monitoring Program: Final Report. Project Number: 2K11/901/0223S/01, T001301/03. Unpublished study prepared by ADPEN Laboratories, Inc. 27 p.	2/23/2011	
48402902		Perez, R.; Perez, S.; Merritt, A. (2011) FIFRA Section 6(a)(2) Annual Report for Atrazine, Simazine, DACT, DIA and DEA Monitoring Data for Groundwater Samples Collected in the	2/23/2011	

MRID	Admin #	Description	Study Date	Submit Date
		Aquarium Pharma- ceuticals, Perkasio, Pa.; CDL:009483-A)		

6. Produce any and all documents that identify the more than 6000 studies of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products and compounds referenced in the press release from Syngenta Crop Protection, Inc. attached hereto as Exhibit 1.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 1. See also Syngenta's response to Request 5 above. Further responding, see Syngenta's previous two (2) **exhibits** attached in responses to Syngenta's responses to Plaintiffs' Requests to Produce in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation that list thousands of studies that may be considered by Plaintiffs to be responsive to this Request.

7. Produce any and all published or unpublished studies of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds which were funded, in whole or in part, by you, including, but not limited to, the studies themselves, reports, data summaries, raw analytical data, spreadsheets, calculations, records of standards, QA/QC documentation, and images.

RESPONSE: Syngenta objects to the term "images" as it is vague, ambiguous and undefined; if Plaintiffs will clarify, Syngenta will respond accordingly. In further response, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 1 and 2. Additionally, see response to Request 5 above.

Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents. Certain of the materials/documents/information requested are not in the possession of Syngenta; some are in the possession of the study authors or directors, or independent laboratories; these persons or entities can be identified and obtained from the study reports listed, produced, to be produced, or in the possession of the USEPA or others. Certain data/samples are maintained per compliance with GLP guidelines at ADPEN Laboratories in Jacksonville, FL, as previously disclosed to Plaintiffs.

8. Produce any and all documents that identify the studies, published or unpublished, of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or

degradates of such products which were funded, in whole or in part, by you, including, but not limited to, documents that identify the amount funded by you.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 1 and 2. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents to the extent the requested information is kept in the regular course of its business. See also Syngenta's response to Request No. 5 above. Further responding, see Syngenta's previous two (2) **exhibits** attached in responses to Syngenta's responses to Plaintiffs' Requests to Produce in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation that list thousands of studies that may be considered by Plaintiffs to be responsive to this Request. Further answering, see responses to Requests No. 5 and 7 above.

9. Produce any and all documents that relate or refer to published or unpublished studies of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products which were funded, in whole or in part, by you, including, but not limited to contracts, agreements, financial documents, correspondence, meeting minutes, emails, internal notes or memoranda, phone logs, and reports.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 1 and 2. See also Syngenta's response to Request 5 above. Further responding, see Syngenta's previous two (2) **exhibits** attached in responses to Syngenta's responses to Plaintiffs' Requests to Produce in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation that list thousands of studies that may be considered by Plaintiffs to be responsive to this Request. Further answering, see responses to Request No. 5 above.

10. Produce any and all published or unpublished studies related to the effect or potential effect of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products and compounds on humans, fetuses, embryos, zygotes, and/or human cell lines.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 2 and 7(1). Further answering, see responses to Requests No. 5, 7 and 8 above. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

11. Produce any and all documents that refer or relate to the effect or potential effect of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products and compounds on the fetuses, embryos, zygotes, and/or cell lines of animals.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 2 and 7(l). Further answering, see responses to Requests No. 5, 7 and 8 above. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

12. Produce any and all published or unpublished studies related to the endocrine disruption properties or endocrine modulating effects of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds and/or studies related to atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds being or potentially being endocrine disruptors.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 2 and 7(m). Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents. Further answering, see responses to Requests No. 5, 7 and 8 above.

13. Produce any and all documents that refer or relate to endocrine disruption properties and/or endocrine modulating effects of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 2 and 7(m). Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents. Further answering, see responses to Requests No. 5, 7 and 8 above.

14. Produce any and all studies and communications regarding the costs, benefits, advantages or disadvantages of atrazine or atrazine-containing products that were performed or made, in whole or in part, by you or at your request, direction or expense, and all correspondence, protocols, records of payment, raw data, and other documents and information related to such studies and communications.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 42 and 43. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents. See also Syngenta's responses to Plaintiff's First Interrogatories No. 34 and 35, filed contemporaneously herewith; Plaintiffs can obtain any raw data and other documents and information related to such studies and communications from said third parties listed therein.

15. Produce any and all other studies and communications regarding the costs, benefits, advantages or disadvantages of atrazine or atrazine-containing products.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 42 and 43. See also Syngenta's responses to Plaintiff's First Interrogatories No. 34 and 35, filed contemporaneously herewith. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

16. Produce any and all studies regarding the contamination or potential contamination of water resources or water supplies by atrazine, atrazine-containing products, atrazine degradates and/or atrazine metabolites that were performed, in whole or in part, by you or at your request, direction or expense, and all correspondence, protocols, records of payment, raw data, and other documents and information related to such studies.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 1, 7, and 15. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents. Further answering, see response to Request No. 5 above.

17. Produce any and all other studies regarding the contamination or potential contamination of water resources or water supplies by atrazine, atrazine-containing products, atrazine degradates and/or atrazine metabolites.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 1, 7, and 15. Further answering, see responses to Requests No. 5, 7 and 8 above. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive

documents in its rolling production of documents

18. Produce any and all communications with, proposals to and from, contracts with, and all documents referring or related to any laboratories, organizations, universities, or other entities that have conducted or sponsored any studies regarding the health effects of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 3. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents. Further answering, see responses to Requests No. 5, 7 and 8 above.

19. Produce any and all communications with, proposals to and from, contracts with, and all documents referring or related to any researchers, scientists, or other persons who have conducted or sponsored any studies regarding the health effects of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 3. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents. Further answering, see responses to Requests No. 1, 5, 7 and 8 above.

20. Produce any and all published or unpublished studies concerning the effect of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds on the reproductive organs of any living organism.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 2 and 7. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents. Further answering, see responses to Requests No. 5, 7 and 8 above.

21. Produce any and all documents that relate or refer to any effect of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds on the reproductive organs of any living organism.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 2 and 7. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents. Further answering, see responses to Requests No. 5, 7 and 8 above.

22. Produce any and all documents referring or relating the effect of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds on the fertility of any living organism, including, but not limited to, published or unpublished studies related to such effect.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 2 and 7(k). Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents. Further answering, see responses to Requests No. 5, 7 and 8 above.

23. Produce any and all documents referring or relating atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds causing or potentially causing fetal death, including, but not limited to, published or unpublished studies related to such effect.

RESPONSE: Syngenta objects to this Request on the grounds that the phrase "fetal death" is vague, ambiguous and undefined as to whether it relates to animal, human or other fetal death; if Plaintiffs will clarify, Syngenta will respond accordingly. Further responding, see non-privileged, relevant, and responsive documents already produced by Syngenta in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 2 and 7(l). Further answering, see responses to Requests No. 5, 7 and 8 above.

24. Produce any and all published or unpublished studies related to atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds being or potentially being endocrine disruptors or having or potentially having endocrine modulating effects or properties.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 2 and 7(m). Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents. Further answering, see responses to Requests No. 5, 7, 8 and 12 above.

25. Produce any and all documents referring or relating atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds being or potentially being endocrine disruptors or having or potentially having endocrine modulating effects or properties.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 2 and 7(m). Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents. Further answering, see responses to Requests No. 5, 7, 8 and 12 above.

26. Produce any and all documents referring or relating atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds causing or potentially causing breast cancer or tumors of the breast tissue, including, but not limited to, published or unpublished studies concerning such effect.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 2, 6, and 7(n). Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents. Further answering, see responses to Requests No. 5, 7 and 8 above.

27. Produce any and all published or unpublished studies related to any health effect or potential health effect caused or potentially caused by atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds in combination with other chemicals, compounds, or mixtures, including, but not limited to, those studies that indicate that further study or research is needed concerning the potential of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds in combination with other chemicals, compounds, or mixtures to cause a health effect.

RESPONSE: Syngenta objects to this Request on the grounds that the phrase "health effects" is vague, ambiguous and undefined as to whether it relates to animal, human or other health effects; if Plaintiffs will clarify, Syngenta will respond accordingly. Further responding, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 2.

28. Produce any and all documents related to any health effect or potential health effect caused or potentially caused by atrazine, atrazine-containing products, any atrazine related

compound, and/or constituents or degradates of such products or compounds in combination with other chemicals, compounds, or mixtures, including, but not limited to, the necessity or lack of necessity for further study concerning the potential of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds in combination with other chemicals, compounds, or mixtures to cause a health effect.

RESPONSE: Syngenta objects to this Request on the grounds that the phrase “health effects” is vague, ambiguous and undefined as to whether it relates to animal, human or other health effects; if Plaintiffs will clarify, Syngenta will respond accordingly. Further responding, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD’s First Requests for Production No. 2

29. Produce any and all documents related to any cumulative risk assessment of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD’s First Requests for Production Nos. 1 and 2.

Further responding, Syngenta states that the USEPA has the following web site: http://www.epa.gov/oppsrd1/reregistration/atrazine/atrazine_update.htm. This site contains information related to atrazine re-registration and atrazine updates, including:

- The Atrazine Evaluation Process;
- Triazine Cumulative Risk Assessment;
- Atrazine Post-IREP Results, including the OPP’s Monitoring in Community Water Systems, Ecological Watershed Monitoring Program, Cancer and Amphibians.
- This page also has search boxes on the right hand side of the screen re Atrazine SAP Meetings and Atrazine Evaluation.

In particular, Syngenta directs Plaintiffs to:

- The FAO/WHO Meeting on Pesticide Residues (JMPR) 2007;
- Syngenta’s Atrazine Review: Prepared for the WHO-FAO/JMPR Committee: Final Report, Report Number T011389-06;
- The USEPA’s RED in 2003; and
- The Cumulative Risk Assessment performed by USEPA in 2006.

Syngenta advises Plaintiffs that it intends to rely upon, reference or utilize any of the data, materials or documents located in, on or through any of these web sites.

30. Produce any and all documents related to information submitted or considered for submission to the US Environmental Protection Agency under Section 6(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 55, 57, 58, and 61. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents. Further answering, see response to Request No. 5 above.

31. Produce any and all documents that relate to atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds causing or potentially causing health effects to any living organism or cell line at levels at or below three parts per billion (3 ppb).

RESPONSE: There is no scientifically replicated toxicology study allegedly showing potential human health effects at the atrazine MCL drinking water exposure level, and all epidemiology studies referred to or relied upon by Plaintiffs, allegedly suggesting any potential human health effects at the atrazine MCL drinking water exposure level, are scientifically unreliable. Moreover, given the allegations of Plaintiffs' Amended Petition, any study suggesting any potential adverse human health effects of at any atrazine level in excess of the MCL is totally irrelevant.

32. Produce any and all published or unpublished studies not produced in response to other Requests for Production concerning any health effect or potential health effect caused or potentially caused by atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds, including those studies that indicate that further study or research is needed concerning the potential of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds to cause any health effect.

RESPONSE: Syngenta objects to this Request on the grounds that the same is vague, ambiguous and undefined in its use of the phrase "health effect" as to whether it relates to animal, human or other health effects. Further responding, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 2 and 7. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

33. Produce any and all documents not produced in response to other Requests for Production referring or relating to any health effect or potential health effect caused or

potentially caused by atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds, including documents referring or relating to the necessity or lack of necessity for further study or research concerning the potential of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds to cause any health effect.

RESPONSE: Syngenta objects to this Request on the grounds that the same is vague, ambiguous and undefined in its use of the phrase “health effect” as to whether it relates to animal, human or other health effects; if Plaintiffs will clarify, Syngenta will respond accordingly. Further responding, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD’s First Requests for Production Nos. 2 and 7.

34. Produce any and all analytical data and documents relating to the Atrazine Monitoring Program, Simazine Monitoring Program, and Simazine Confirmatory Monitoring Program for drinking water in all available community water systems for the years 2003 - present. This includes, but is not limited to, data collected and analyzed using the following techniques: gas chromatography/mass spectrometry (GC/MS), liquid chromatography/mass spectrometry/mass spectrometry (LC/MS/MS), direct injection (DI) – electrospray ionization (ESI), immunoassay (IA), or any other method. These data and documents include, but are not limited to, reports, data summaries, and original data from the analytical instruments, spreadsheets, calculations, chromatograms, mass spectral readings, calibration curves, records of standards, QA/QC documentation, and images.

RESPONSE: Syngenta objects to this Request to the extent that it seeks information related to “Simazine Monitoring Program, and Simazine Confirmatory Monitoring Program” on the grounds that Plaintiffs’ Amended Petition and the allegations of this case relate to Atrazine, so that discovery related to Simazine is overbroad, seeks information which is irrelevant and immaterial to any issue in this case, seeks information which is not reasonably calculated to the discovery of admissible evidence at trial, and is beyond the scope of permissible discovery.

Syngenta further objects to the term “images” as it is vague, ambiguous and undefined; if Plaintiffs will clarify, Syngenta will respond accordingly.

Numerous of the Plaintiffs conducted sampling, monitoring and analysis under the above-referenced Programs and have documents re the same in their current possession.

Further responding, the requested information relating to each of said Plaintiffs is available to them on the internet through the Water Monitoring Center and its database, to which Plaintiffs have their own unique access information to obtain their residue/monitoring results.

Additionally, Plaintiffs have already served a subpoena on Waterborne Environmental, Inc., seeking the requested information which is available from it. Additionally, Syngenta has previously identified ADPEN Laboratories, Inc., in Jacksonville, Florida, as having certain of the

requested information. Further responding, with respect to the Atrazine Monitoring Program, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 16. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

35. Produce any and all raw analytical data that were used to produce the data tables published by the U.S. Environmental Protection Agency (U.S. EPA) as part of the U.S. EPA Pesticides: Registration – Atrazine Updates.

RESPONSE: See response to Request No. 34 above.

36. Produce any and all quality control data and all calibration curves data from the instruments used in the Atrazine Monitoring Program, Simazine Monitoring Program, and Simazine Confirmatory Monitoring Program for drinking water.

RESPONSE: Syngenta objects to this Request to the extent that it seeks information related to "Simazine Monitoring Program, and Simazine Confirmatory Monitoring Program" on the grounds that Plaintiffs' Amended Petition and the allegations of this case relate to Atrazine, so that discovery related to Simazine is overbroad, seeks information which is irrelevant and immaterial to any issue in this case, seeks information which is not reasonably calculated to the discovery of admissible evidence at trial, and is beyond the scope of permissible discovery.

Further responding, with respect to the Atrazine Monitoring Program, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 16.

37. Produce any and all documents, analytical data, or records of standards purchased in relation to the analysis of drinking water for any degradate.

RESPONSE: See response to Request No. 34 above.

38. Produce any and all documents which identify or describe each detection limit or reporting limit used in the Atrazine Monitoring Program, Simazine Monitoring Program, and Simazine Confirmatory Monitoring Program, the methods, analytical runs, notes, and data used to determine the detection limit or reporting limit of the Atrazine Monitoring Program, Simazine Monitoring Program, and Simazine Confirmatory Monitoring Program.

RESPONSE: Syngenta objects to this Request to the extent that it seeks information related to "Simazine Monitoring Program, and Simazine Confirmatory Monitoring Program" on the grounds that Plaintiffs' Amended Petition and the allegations of this case relate to Atrazine, so that discovery related to Simazine is overbroad, seeks information which is irrelevant and

immaterial to any issue in this case, seeks information which is not reasonably calculated to the discovery of admissible evidence at trial, and is beyond the scope of permissible discovery.

Further responding, with respect to the Atrazine Monitoring Program, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 16. Further answering, see response to Request No. 34 above.

39. Produce any and all studies, monitoring programs, or research conducted concerning the fate and transport of atrazine, atrazine-containing products, any atrazine related compound, and/or the constituents or degradates of such products or compounds or the contamination or potential contamination of any water supply by atrazine, atrazine-containing products, any atrazine related compound, and/or the constituents or degradates of such products or compounds.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 1 and 7(a). Further answering, see response to Request No. 5 above. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

40. Produce any and all documents related to any study, monitoring program, or research conducted concerning the fate and transport of atrazine, atrazine-containing products, any atrazine related compound, and/or the constituents or degradates of such products or compounds or the contamination or potential contamination of any water supply by atrazine, atrazine-containing products, any atrazine related compound, and/or the constituents or degradates of such products or compounds.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 1 and 7(a). Further answering, see response to Request No. 5 above.

41. Produce any and all documents and information that refer or relate to the sale of atrazine, atrazine-containing products, atrazine related chemicals, and/or constituents of such products to other herbicide, pesticide, or other chemical manufacturers, distributors, producers, co-ops, or wholesalers, including, but not limited to, any and all documents that identify any of the following and/or information that can be subtotaled or sorted by any of the following categories.:

- a. The name, address, and location of the purchaser;

- b. The corresponding names(s) of the products(s) sold to each purchaser;
- c. The corresponding quantities of product(s) sold;
- d. The corresponding date of each sale;
- e. The chemical make-up/composition of the product(s) you sold; and
- f. The name(s) of the product(s) that the purchaser(s) manufactured, marketed, and/or sold as a result of their purchase from you.

RESPONSE: Information regarding this Request can be obtained for a fee from the GfK Kynetec service, (formerly Doane's AgroTrak), accessible at <http://www.gfk.com/gfk-kynetec/>. Further responding, Syngenta is making provisions to produce to plaintiffs all Doane/GfK data runs conducted at the request of by Gary Gries or Gene Hill in its possession that were conducted related to atrazine. Further responding, see non-privileged, relevant, responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 44, 45, and 47. Additionally, see response to Interrogatory 5 filed contemporaneously herewith.

42. Produce any and all documents that identify and/or describe atrazine, atrazine-containing products, any atrazine related compound, and/or constituents of such products that you have sold that are not identified in your response to Request for Production No. 32, including, but not limited to any and all documents that identify or describe the following:

- a. The name, address, and location of the purchaser;
- b. The corresponding names(s) of the products(s) sold to each purchaser;
- c. The corresponding quantities of product(s) sold to each purchaser;
- d. The corresponding date of each sale;
- e. The chemical make-up/composition of the product(s) you sold;
- f. The total quantities of atrazine and each atrazine-containing product sold by year;
- g. The quantity of atrazine and each atrazine-containing product sold by year and the geographic markets (i.e., country, state, county, city, watershed) in which it was sold;
- h. The quantity of atrazine and each atrazine-containing product applied or used by year and geographic markets (i.e., country, state, county, city, watershed);

RESPONSE: This Request is unintelligible such that Syngenta cannot form a response thereto; RFP No. 32, as referenced herein, does not relate to the sub-parts of this Interrogatory so that Syngenta cannot form a response thereto. If Plaintiffs clarify this Request, Syngenta will respond accordingly. See non-privileged, relevant, responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 44, 45, and 47.

43. Produce any and all documents that identify and/or describe the cost of producing atrazine, atrazine-containing products, any atrazine related compound, and/or constituents of such products that sold by you.

RESPONSE: See Syngenta's response to Plaintiffs' Interrogatory 5 filed contemporaneously herewith.

44. Produce any and all documents that identify and/or describe the revenue or profit derived from your sale of atrazine, any atrazine related compound, atrazine-containing products, and/or the constituents of such products.

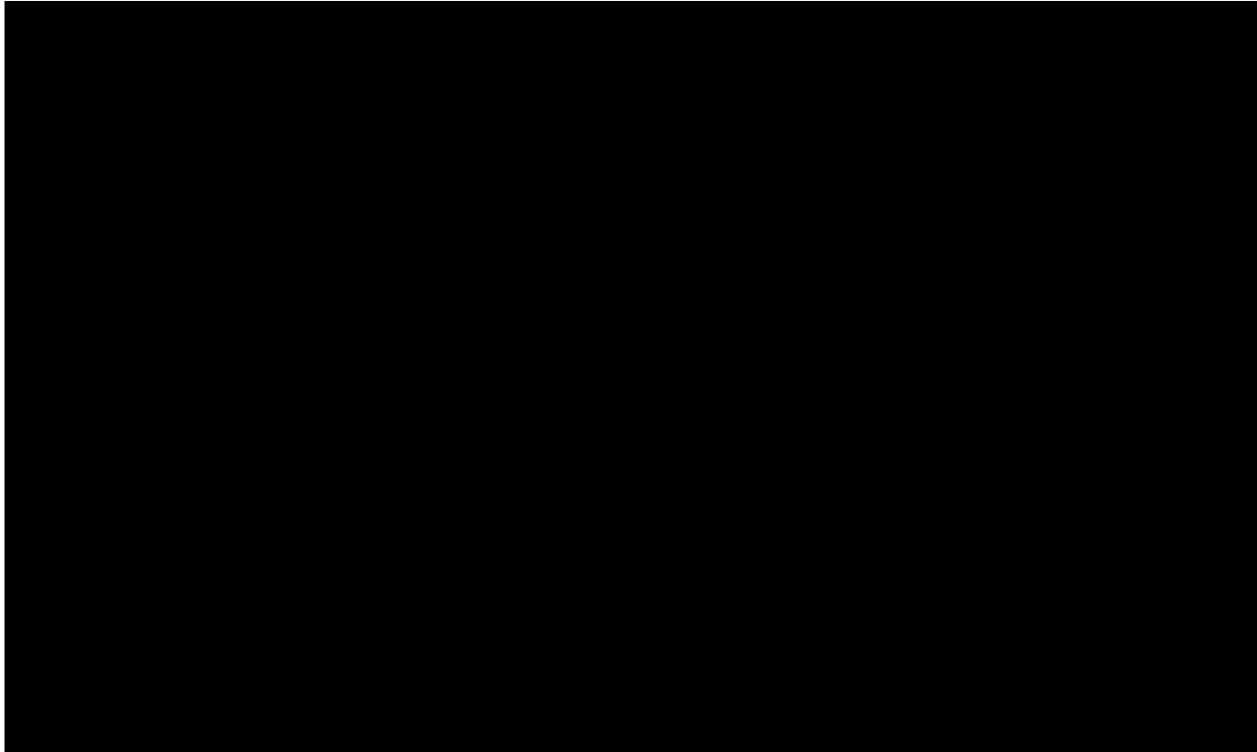
RESPONSE: See non-privileged, relevant, responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 43. Further answering, see response to Interrogatory 5 filed contemporaneously herewith. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

45. Produce any and all documents that identify and/or describe your purchase of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents of such products from other herbicide, pesticide, or other chemical manufacturers, distributors, producers, co-ops, or wholesalers, including, but not limited to purchase orders, invoices, contracts, agreements, spreadsheets, databases, or other documents that identify or describe:

- a. The name, address, and/or location of the seller of the product that you purchased;
- b. The corresponding names of the products purchased;
- c. The chemical composition of the product you purchased;
- d. The corresponding quantities of product purchased;
- e. The corresponding date of purchase; and
- f. The name of the product that you manufactured, marketed, and/or sold as a result

of your purchase.

RESPONSE: Syngenta states that it has acquired atrazine in the past from others as follows, which information it considers **Confidential and Subject to the Protective Order:**



46. Produce any and all documents that identify, relate, or refer to the locations where atrazine is applied or has been applied in the States of Illinois, Indiana, Iowa, Kansas, Missouri, and Ohio, and/or within the watershed of any body of water located in whole or in part in the States of Illinois, Indiana, Iowa, Kansas, Missouri, and Ohio.

RESPONSE: Information regarding this Request can be obtained for a fee from the GfK Kynetec service, (formerly Doane's AgroTrak), accessible at <http://www.gfk.com/gfk-kynetec/>). Syngenta will produce any non-privileged, relevant, and responsive information or documents where atrazine is applied or has been applied that have not already been produced in the instant case or in the Holiday Shores Sanitary District, et al. v. Syngenta Crop Protection, LLC, et al. litigation. Further responding, Syngenta is making provisions to produce to plaintiffs all Doane/GfK data runs conducted at the request of by Gary Gries or Gene Hill in its possession that were conducted related to atrazine.

47. Produce all documents and information regarding the total purchase, formulation, marketing, distribution, sale, and/or application (including, but not limited to, the locations of applications and quantities applied) of atrazine and/or atrazine-containing products by Syngenta customers, including, but not limited to, all such documents and information in which such

categories are subtotaled or sorted, or can be subtotaled or sorted, by customer, by location, or any other subcategory.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 40, 44, and 47. Further responding, Syngenta states that it sells to distributors, and their exact use of the atrazine or atrazine-containing products, or those of their customers, is unknown to Syngenta. However, certain of the information requested information is equally available to Plaintiffs through requests of said third party customers or websites or services such as GfK Kynetec (formerly Doane's AgroTrak and accessible at <http://www.gfk.com/gfk-kynetec/>). With respect to total sales of atrazine to its customers, see response to Interrogatory 5 filed contemporaneously herewith.

48. Produce all documents or information regarding each purchase, formulation, marketing, distribution, sale, and/or application (including, but not limited to, locations of applications and quantities applied) of atrazine and/or atrazine-containing products by Syngenta customers.

RESPONSE: See response to Request No. 47 above. Syngenta further states that this information is equally available to Plaintiff through requests of said third party customers or can be obtained for a fee from the GfK Kynetec service, (formerly Doane's AgroTrak), which was previously identified in Syngenta's discovery responses in the Holiday Shores Sanitary District v. Syngenta Crop Protection, LLC, Case no. 04-L 00710, and is accessible at <http://www.gfk.com/gfk-kynetec/>. Further responding, Syngenta is making provisions to produce to plaintiffs all Doane/GfK data runs it has in its possession that were conducted by or at the request of Gary Gries and/or Gene Hill related to atrazine.

Further responding, Syngenta refers Plaintiff to the non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 40, 44, and 47.

49. Produce all documents and information regarding any precision farming or other custom application planning and/or application services offered by Syngenta or Syngenta customers, including but not limited to information regarding atrazine and atrazine-containing-product application rates and locations obtained in connection with the provision of such services.

RESPONSE: See the stewardship and Best Management Practices ("BMP") documents already produced and those continually being produced on a rolling basis by Syngenta in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Request for Production No. 17. Also

see documents produced by Growmark in the *HSSD* litigation that relate to custom applications. To the extent deemed responsive, Plaintiffs can obtain copies of its labels and MSDSs regarding atrazine and atrazine-containing products at www.syngentacropprotection.com/labels/.

49A. All documents and information regarding sales and applications of atrazine and atrazine-containing-products by Syngenta or Syngenta customers that was collected for the purpose of compliance with 8 Illinois Administrative Code Section 250.150 or similar regulations of other states.

RESPONSE: Syngenta presumes that this Request (herein designated by Syngenta as No. 49A) is separate and distinct from Request No. 49 and that Plaintiff merely failed to number the same in its First Requests for Production. Subject to the foregoing, Syngenta states that the administrative regulation referred to herein is directed to distributors and registered use pesticide applicators, which does not include Syngenta, so that Syngenta has nothing to produce in compliance with this request.

50. All documents and information regarding the registration and regulation of atrazine and atrazine-containing products as restricted-use pesticides under federal and state law.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the *Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al.*, Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 28, 52, and 55. Further responding, Syngenta states that "registration and regulation of atrazine...under federal and state law" are matters of statutory and regulatory codification which are equally available to Plaintiffs and of which the Court can take judicial notice.

Additionally, see response to Request No. 5 above. Syngenta states that there are voluminous materials on the USEPA web site which are responsive to this Request. Generally, EPA has atrazine specific information, or links to atrazine or related information, at the following sites:

The USEPA also has the following web site:

<http://www.epa.gov/oppsrrd1/reregistration/atrazine/>. This is what may be termed the general USEPA Atrazine web page. It lists all of the Docket Information, including various docket information relating to the:

- USEPA's Review of Atrazine;
- EPA's Special Review Process for Atrazine;
- Atrazine Reregistration Risk Assessments; and the
- FIFRA SAP materials associated with the 2003 Atrazine Reregistration and the 2009 Atrazine Evaluation, including the SAP separate Docket ID numbers for all of the SAP Hearings.

This web site also lists in detail and links to (which are described more fully below):

- Atrazine Updates (as of April 28, 2011) through March, 2011;
- Decision Documents related to Atrazine; and

- Various Federal Notices related to Atrazine.

Syngenta advises Plaintiffs that it intends to rely upon, reference or utilize any of the data, materials or documents located in, on or through any of these web sites.

51. All documents and information regarding the registration, licensing and/or certification of Syngenta, Syngenta customers, and employees of Syngenta and Syngenta customers, to manufacture, formulate, distribute, sell, purchase and/or apply atrazine and/or atrazine-containing products.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 55. Further responding, to the extent deemed applicable, Syngenta will produce permits related to Syngenta's manufacturing facility in St. Gabriel, Louisiana.

52. Produce any and all documents related to any correspondence, meetings, and/or communications with any farmer or pesticide applicator concerning atrazine in the States of Illinois, Indiana, Iowa, Kansas, Missouri, and Ohio or within the watershed of any body of water located in whole or in part in the States of Illinois, Indiana, Iowa, Kansas, Missouri, and Ohio, including, but not limited to, letters, emails, meeting minutes, presentations, literature, meeting attendee records, and telephone logs.

RESPONSE: Syngenta objects to the extent that this Request seeks information related to "any farmer," as the same is overbroad, burdensome, oppressive, and harassing, seeks information which is irrelevant and immaterial to any issue in this case, is not reasonably calculated to lead to the discovery of admissible evidence at trial, and is beyond the scope of permissible discovery.

Further responding, see response to RFP No. 1 above and non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 55. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

53. Produce any and all documents that relate or refer to herbicides or other products that may be used instead of atrazine in areas where the use of atrazine is not allowed or is not desired.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 34

and 38. See also Syngenta's responses to Plaintiff's First Interrogatory No. 10, filed contemporaneously herewith. The labels and MSDSs for any such herbicides sold by Syngenta are available on its web site located at www.syngentacropprotection.com/labels.

54. Produce any and all documents related to the sale or distribution of any herbicide or other product that may be used instead of atrazine in areas where the use of atrazine is not allowed or is not desired.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 38. See also Syngenta's responses to Plaintiff's First Interrogatory No. 10, filed contemporaneously herewith.

Syngenta further states that this information is equally available to Plaintiffs through requests of said third party customers or can be obtained for a fee from the GfK Kynetec service, (formerly Doane's AgroTrak), which was previously identified in Syngenta's discovery responses in the Holiday Shores Sanitary District v. Syngenta Crop Protection, LLC, Case no. 04-L 00710, and is accessible at <http://www.gfk.com/gfk-kynetec/>. Further responding, Syngenta is making provisions to produce to Plaintiffs all Doane/GfK data runs it has in its possession that were conducted by or at the request of Gary Gries and/or Gene Hill related to atrazine.

55. Produce any and all documents related to health effects or potential health effects to any living organism of any herbicide or other product that may be used instead of atrazine in areas where the use of atrazine is not allowed or is not desired.

RESPONSE: Syngenta objects to this Request to the extent that it addresses products not manufactured, sold or distributed by it, as the same is overbroad, burdensome, oppressive and harassing. Syngenta further objects to this Request regarding "any and all documents...of any [of its] herbicide[s]..." on the ground that the same is overbroad, burdensome, oppressive and harassing, as Syngenta has already searched for, collected and produced at its own expense ~4.8 Million pages of documents related to atrazine and atrazine-containing products alone. The additional efforts required to search for, collect and produce "any and all documents" related to products listed in response to Plaintiffs' Interrogatory 10 would be burdensome and oppressive to Syngenta's ongoing business operations. In the parallel state court case of Holiday Shores Sanitary District et al v. Syngenta Crop Protection, Inc., Cause No. 2004-L-000710, the Court limited discovery directed to Syngenta to atrazine alone and certain other related/specified chemical compounds. This Court should similarly limit Plaintiffs in their discovery efforts here, especially since (among other information) the "Hazards Identification," "First Aid Measures," "Fire Fighting Measures," "Accidental Release Measures," "Exposure Controls/Personal Protection Measures," "Toxicological Information," "Regulatory" and "Other [Hazard] Measures" are listed for each of Syngenta's other products on its MSDSs at www.syngentacropprotection.com/labels/ website, along with numerous other web sites available to the public. Moreover, the USEPA-approved labels for said products contain (among

other information), “First Aid” measures, “Precautionary Statements” including “User Safety Recommendations,” “Directions for Use,” and many other directions. Finally, to the extent that Plaintiffs seek, and the Court approves, the requested discovery, the Court should order Plaintiffs to bear the internal and external time, cost and expense of searching for, collecting, duplicating and producing said documents.

Subject to the foregoing objections, and without waiving the same, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD’s First Requests for Production No. 38. See also Syngenta Syngenta’s responses to Plaintiff’s First Interrogatory No. 10 filed contemporaneously herewith.

56. Produce any documents that identify or describe herbicides or other products that are competitors of atrazine and/or atrazine-containing products.

RESPONSE: See Objections and Responses to Requests No. 53-55 above.

Subject to the foregoing objections, and without waiving the same, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD’s First Requests for Production No. 34, 35 and 38. See also Syngenta’s responses to Plaintiff’s First Interrogatory No. 10, filed contemporaneously herewith.

57. Produce any and all documents that relate or refer to efforts by Syngenta or others selling, applying, or using Syngenta’s atrazine or atrazine-containing products to limit the amount of atrazine in public drinking water supplies, including, but not limited to, documents related or referring to lowered maximum application rates, greater setbacks, Best Management Practices, or the use of alternative products within threatened watersheds.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD’s First Requests for Production Nos. 17 and 18. Further responding, see Syngenta’s response to Plaintiffs’ Interrogatory No. 15, 18, 19 and 29 filed contemporaneously herewith. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

58. Produce any and all documents that relate or refer to degradates of atrazine, including, but not limited to, documents that identify each degradate of atrazine.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No.

2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 15. Further responding, see Syngenta's response to Plaintiffs' Interrogatory No. 12 filed contemporaneously herewith. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

59. Produce any and all documents that relate or refer to any studies, monitoring, and/or research related to atrazine degradates, including, but not limited to, the studies themselves.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 1, 2, 7(h) and 16. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

60. Produce any and all documents that relate or refer to any studies, monitoring, and/or research related to any degradate conducted by Syngenta and/or directly or indirectly funded by Syngenta, in whole or in part, including, but not limited to, the studies themselves, reports, data summaries, raw analytical data, spreadsheets, calculations, records of standards, QA/QC documentation, and images.

RESPONSE: Syngenta states that it presumes "QA" refers to "quality assurance" and "QC" refers to "quality control." Further responding, Syngenta refers Plaintiff to the non-privileged, relevant, and responsive documents already produced and continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 1, 2, 7(h), 16, and 21. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

61. Produce any and all documents that relate or refer to any atrazine related compound found in Syngenta's atrazine and in each atrazine-containing product manufactured, sold, or distributed by Syngenta.

RESPONSE: See Syngenta's responses to Plaintiffs' Interrogatory No. 5 filed contemporaneously herewith and to Requests No. 59 and 60 above. Further responding, each of Syngenta's product labels contains potentially responsive information and can be obtained at the www.syngentacropprotection.com/labels/ website. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

62. Produce any and all documents related to studies, monitoring, and/or research related to any atrazine related compound found in Syngenta's atrazine and in each atrazine-containing product manufactured, sold, or distributed by Syngenta.

RESPONSE: See Syngenta's responses to Plaintiffs' Interrogatory No. 5 filed contemporaneously herewith and to Requests No. 59, 60 and 61 above. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

63. Produce any and all documents related to studies, monitoring, and/or research conducted by Syngenta and/or directly or indirectly funded by Syngenta, in whole or in part, related to any atrazine related compound found in Syngenta's atrazine and in each atrazine-containing product manufactured, sold, or distributed by Syngenta including, but not limited to, the studies themselves, reports, data summaries, raw analytical data, spreadsheets, calculations, records of standards, QA/QC documentation, and images.

RESPONSE: Syngenta states that it presumes "QA" refers to "quality assurance" and "QC" refers to "quality control." Further responding, Syngenta refers Plaintiff to the non-privileged, relevant, and responsive documents already produced and continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 1, 2, 7(h), 16, and 21. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

64. Produce any and all documents related to degradants of each atrazine related compound found in Syngenta's atrazine and in each atrazine-containing product manufactured, sold, or distributed by Syngenta.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 1, 2, 7(h), 16, and 21. Further responding, see responses to Requests No. 58-63 above. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

65. Produce any and all documents related to any inquiries or complaints made to you by consumers, employees, contractors, downstream users, water districts, putative Class Members, the press, or members of the public concerning atrazine, atrazine-containing products, atrazine related compounds, and/or atrazine degradates or metabolites, including, but not limited to the health effects of atrazine, atrazine-containing products, any atrazine related compound, the constituents of such products, or degradates of such products or compounds; and/or concerning the contamination of water resources by atrazine, atrazine-containing products, any atrazine related compound, or constituents or degradates of such products or compounds.

RESPONSE: See responses to Requests No. 1 and 2 above. Further responding, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710,

litigation in response to plaintiff HSSD's First Requests for Production Nos. 31 and 32. Additionally, see response to Plaintiffs' Interrogatory 17 filed contemporaneously herewith. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

66. Produce each and every statement made by you concerning atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds, including, but not limited to, oral and written statements and/or written material that you have provided to or caused to be provided to the public, to a water provider, or to a governmental entity.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 10, 25, and 56. Additionally, Syngenta refers Plaintiffs to its response to Request No. 1 above and its response to Interrogatory 19 filed contemporaneously herewith. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

Also, as Plaintiffs are well aware, Syngenta has made various statements regarding atrazine on its web sites www.atrazinefacts.com, www.syngenta.com (Plaintiffs can perform a search in the upper right hand corner of the Home Page and obtain 42 different hits related to atrazine), and www.syngentacropprotection.com (Plaintiffs can perform a search in the upper right hand corner of the Home Page and obtain 42 different hits related to atrazine; Plaintiffs can also click on the Herbicides page and search for and obtain multiple documents and information related to atrazine and atrazine-containing products; moreover, Plaintiffs can click on the Labels and MSDS page and search for such atrazine-related documents by Product, Crop Group or Product Type). See also the previously produced labels and MSDSs, and the stewardship and Best Management Practices ("BMP") documents previously produced.

67. Produce any and all documents related to, referring to, or reflecting each statement made by you concerning atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds, including, but not limited to, oral and written statements and/or written material that you have provided to or caused to be provided to the public, to a water provider, or to a governmental entity.

RESPONSE: See response to Request No. 66 above. Further responding, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 10, 25, and 56. Additionally, Syngenta refers Plaintiff to its response to Requests No. 1 above and its response to Interrogatories 1 and 19 filed contemporaneously herewith. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

68. Produce any and all documents related to any relationship that you have or have had with any laboratories or research groups related to studies of atrazine, atrazine-containing products, any atrazine related compound, and/or the constituents or degradates of such products or compounds, including, but not limited to, contracts, agreements, protocols, and/or documents related to ownership interests, financial contributions, long-term relationships, and/or joint efforts by you and the laboratory or group.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 3. Additionally, Syngenta refers Plaintiff to its response to RFP No. 18 above and Plaintiffs' Interrogatory No. 20 filed contemporaneously herewith. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

69. Produce any and all documents related any mandated or voluntary restriction of the use of atrazine or any atrazine-containing product, any atrazine related compound, or any degradate or constituent of such products or compounds because of concerns about potential water contamination or potential health effects caused by the use of such products or compounds.

RESPONSE: Syngenta objects to the Request to the extent that it seeks information related to any "voluntary restriction" on the grounds that the same would call for guess and speculation on the part of Syngenta as to what was in the mind of a person or entity which decided on its own to restrict their use of atrazine.

Subject to the foregoing objections, and without waiving the same, Syngenta states that atrazine has never been mandatorily restricted based on any health effect concerns. Further answering, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 7(q), 22, 23, 24, 25, 52, and 55. Additionally, to the extent deemed responsive, see response to Plaintiffs' Interrogatory No. 10 and 23 filed contemporaneously herewith.

Further responding, Syngenta refers Plaintiffs to its product labels for information responsive to this Request. The product labels have restrictions regarding areas where products cannot be used, such as based on soil type, etc. Atrazine products carry several statements to minimize the potential of atrazine entering water. These include statements for mixing/loading and applying. These are considered as label stewardship statements for all grower uses and not as a "geographic area of restricted use." Atrazine is considered a "Restricted Use Pesticide" due to ground and surface water related issues. The label carries the statements: "For retail sale to and use only by certified applicators or persons under their direct supervision, and only for those uses covered by the certified applicator's certification. This product is a restricted-use herbicide due to ground and surface water concerns. Users must read and follow all precautionary

statements and instruction for use in order to minimize potential for atrazine to reach ground and surface water.” This refers to rate limitations related to soil and soil types and does not refer to “geographic” areas. There are no geographical or crop growing regions that are restricted areas, nor any within the Memorandum of Agreement with USEPA.

70. Produce any and all documents relating to the use of herbicides or other products or methods for the reduction of target plants in any region, state, country, watershed, or other areas where atrazine, atrazine-containing products, and/or constituents of such products have been banned, restricted, or are no longer used.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD’s First Requests for Production Nos. 34 and 38. Further responding, see response to Plaintiffs’ Interrogatory 22 filed contemporaneously herewith. Additionally, Syngenta responds that limited use and restricted use information is set forth on the Syngenta product labels available at www.syngentacropprotection.com/labels/. Other responsive information is available in the public domain and therefore is equally available to Plaintiff through various websites set forth in response to Interrogatory 22, and for a fee from GfK Kynetec as noted in response to Request No. 48 above.

71. Produce any and all documents related to or reflecting your share of the market in the United States, and/or any geographic subdivision thereof, for atrazine, atrazine-containing products, and/or constituents of such products, or the share of the market of other manufacturers.

RESPONSE: Syngenta objects to this Interrogatory on the grounds it seeks information which is irrelevant and immaterial to any issue in this case, seeks information which is not reasonably calculated to lead to the discovery of admissible evidence at trial, and is beyond the scope of permissible discovery. Further objecting, Syngenta states that market share liability does not exist in most of the states at issue in this case and the law in those states does not recognize market share, enterprise, or any other theory of collective liability.

Subject to the foregoing, and without waiving the same, Syngenta states that in any event, it does not maintain in the routine course of its business state by state “market share” information in terms of sales of its atrazine and atrazine-containing products as compared to other registrants or suppliers on a state-by-state basis. Further responding, Syngenta refers Plaintiff to documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD’s First Requests for Production No. 46.

72. Produce each advertisement, brochure, pamphlet, and other marketing or promotional material regarding atrazine or any atrazine-containing product that you have published or caused to be published or broadcast within the United States.

RESPONSE: See non-privileged, relevant, and responsive documents already produced

and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 48. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

73. Produce any and all documents related to any focus groups or surveys conducted by you related to atrazine, atrazine-containing products, any atrazine related compound, and/or the constituents and degradates of such products or compounds.

RESPONSE: Syngenta objects to the extent that this Request seeks documents related to "focus groups or surveys" conducted by or with the assistance of counsel, as the same is protected by the attorney-client privilege, work product doctrine, and self-critical analysis privilege.

Subject to the foregoing objections, and without waiving the same, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 51.

74. Produce any and all documents identified in, referenced, or relied upon for any of your responses to Plaintiff City of Greenville, Illinois' First Set of Interrogatories served contemporaneously with these Requests for Production.

RESPONSE: See documents referenced herein and in Syngenta's response to Plaintiff's First Interrogatories, filed contemporaneously herewith.

75. Produce any and all documents related to the contamination or potential contamination of water resources or water supplies by atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products, including, but not limited to, the studies, surveys, reports, or investigations themselves.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 15. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents. Further responding, see response to Request No. 5 above regarding the availability of responsive information that is accessible through the multiple specific USEPA web sites described therein.

76. Produce all documents regarding any steps you have taken to prevent atrazine, atrazine-containing products, atrazine related compounds, atrazine degradates and/or atrazine metabolites from contaminating water resources or water supplies.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 17. Further responding, see response to Plaintiffs' Interrogatory Nos. 26 and 29 filed contemporaneously herewith. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

77. Produce any and all instructions and warnings regarding atrazine, atrazine-containing products, atrazine degradates and/or atrazine metabolites, the contamination of water resources or water supplies by atrazine, atrazine-containing products, atrazine degradates and/or atrazine metabolites, and/or the health effects of atrazine, atrazine-containing products, atrazine degradates and/or atrazine metabolites, that you have provided to anyone at any time.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 22, 23, 24, and 25. Further responding, see responses to Requests No. 53, 69 and 76 filed contemporaneously herewith, along with labels and MSDSs available at www.syngentacropprotection.com/labels/.

78. Produce any and all documents related to any and all studies, surveys, reports, or other investigations done by you, at your request, direction, or expense (in whole or in part), or of which you are aware discussing the benefits, advantages, and/or disadvantages of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents of such products as compared to other products or weed control methods.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 39. See also Syngenta's responses to Plaintiff's First Interrogatory No. 34, filed contemporaneously herewith. Further responding, see response to Interrogatories 34 and 35 filed contemporaneously herewith. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

79. Produce any and all documents related to any and all studies, surveys, reports, or other investigations done by you, at your request, direction, or expense (in whole or in part), or of which you are aware discussing economic effects resulting from the use or non-use of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents of such products.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No.

2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 42. See also Syngenta's responses to Plaintiffs' First Interrogatory No. 35, filed contemporaneously herewith, which lists responsive documents Plaintiffs can obtain. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

80. Produce any and all documents that reflect, refer to, or relate to any and all communications with other manufacturers of atrazine, atrazine-containing products, or the constituents of such products concerning potential health effects related to atrazine, atrazine-containing products, any atrazine related compound, and/or the constituents or degradates of such products or compounds.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 8. See also Syngenta's responses to Plaintiff's First Interrogatories No. 16 and 36, filed contemporaneously herewith. Syngenta states that it has been involved in the following arbitrations, all of which were **Confidential Proceedings under** applicable Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA") or American Arbitration Association ("AAA") rules, regulations, or procedures regarding confidentiality, and all of which information is sealed and **subject to various Protective Orders and Arbitration Confidentiality Agreements**. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

81. Produce any and all documents that reflect, refer to, or relate to any and all communications with other atrazine manufacturers concerning potential related to atrazine, atrazine-containing products, any atrazine related compound, and/or constituents of such products.

RESPONSE: Syngenta objects to that this Request inquires into an unidentified type of "potential" without defining the same, so that it calls for guess and speculation on the part of Syngenta such that it cannot form a proper response thereto. If Plaintiffs clarify the Request, Syngenta will respond accordingly.

82. Produce any and all documents that relate to any investigation or research done by you or that you funded, in whole or in part, of any members or potential members of the EPA Scientific Advisory Panel.

RESPONSE: Syngenta objects to this Request on the grounds that the same seeks information which is irrelevant and immaterial to any issue in this case, seeks information which is not reasonably calculated to lead to the discovery of admissible evidence at trial, and is beyond the scope of permissible discovery.

83. Produce any and all documents which discuss proposals to restrict or ban and/or actual restrictions or bans of atrazine, atrazine-containing products, any atrazine related

compound, and/or constituents or degradates of such products or compounds.

RESPONSE: Syngenta objects to this Request to the extent that it seeks to violate and invade Syngenta's freedoms of speech, assembly, and association guaranteed by the First and Fourteenth Amendments, its freedom to petition for redress of grievances under the First Amendment, its rights to procedural and substantive due process under the Fourteenth Amendment, and its rights to equal protection of the law under the Fifth and Fourteenth Amendments, and the Illinois, Indiana, Iowa, Kansas, Missouri, and Ohio state constitutional equivalents thereof.

Subject to the foregoing objections, and without waiving the same, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 52. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

84. Produce any and all documents referring or relating to the physical or chemical characteristics of atrazine, atrazine-containing products, any atrazine related compound, and/or the constituents or degradates of such products or compounds.

RESPONSE: See the MSDSs and labels which contain information responsive to this Request which are available at www.syngentacropprotection.com/labels/. Further responding, see the Confidential Statements of Formula previously produced in the *Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al.*, Cause No. 2004-L-000710, litigation (which identify the permitted constituents in Syngenta's Technical Atrazine), and the "Manufacturing Process" and Formation of By-Products" documents produced herein, all of which are "Confidential Business Information" pursuant to FIFRA and are designated as **Confidential and Subject to the Protective Order** entered in this case.

85. Produce any and all documents referring, related to, or constituting communications between you and any industry groups regarding the health effects, the use, or the regulation of and/or the contamination of water resources by atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds.

RESPONSE: Syngenta objects to this Request to the extent that it seeks to violate and invade Syngenta's freedoms of speech, assembly, and association guaranteed by the First and Fourteenth Amendments, its freedom to petition for redress of grievances under the First Amendment, its rights to procedural and substantive due process under the Fourteenth Amendment, and its rights to equal protection of the law under the Fifth and Fourteenth Amendments, and the Illinois, Indiana, Iowa, Kansas, Missouri, and Ohio state constitutional equivalents thereof.

Subject to the foregoing objections, and without waiving the same, see non-privileged,

relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 8 and 9. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

86. Produce any and all documents referring, related to, or constituting communications between you or any industry groups of which you are a member or to which you provide financial support and any domestic or foreign governmental agency, any governmental or elected official, pesticide industry associations, other pesticide manufacturers, customers, water providers, lobbyists or lobbying firms, the public, or other persons or entities regarding atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds.

RESPONSE: Syngenta objects to this Request to the extent that it seeks to violate and invade Syngenta's freedoms of speech, assembly, and association guaranteed by the First and Fourteenth Amendments, its freedom to petition for redress of grievances under the First Amendment, its rights to procedural and substantive due process under the Fourteenth Amendment, and its rights to equal protection of the law under the Fifth and Fourteenth Amendments, and the Illinois, Indiana, Iowa, Kansas, Missouri, and Ohio state constitutional equivalents thereof.

Subject to the foregoing objections, and without waiving the same, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 8, 9 and 53. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

87. Produce any and all documents referring, related to, or constituting communications between you and any industry groups of which you are a member or to which you provide financial support or members of such groups regarding atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds.

RESPONSE: Syngenta objects to this Request to the extent that it seeks to violate and invade Syngenta's freedoms of speech, assembly, and association guaranteed by the First and Fourteenth Amendments, its freedom to petition for redress of grievances under the First Amendment, its rights to procedural and substantive due process under the Fourteenth Amendment, and its rights to equal protection of the law under the Fifth and Fourteenth Amendments, and the Illinois, Indiana, Iowa, Kansas, Missouri, and Ohio state constitutional equivalents thereof.

Subject to the foregoing objections, and without waiving the same, see non-privileged,

relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 8, 9 and 62. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

88. Produce any and all documents referring, related to, or constituting procedures, limitations, guidelines, or approval processes that those hired or contracted by you must follow regarding the publication of studies performed for you.

RESPONSE: Syngenta states that it has standard confidentiality agreements regarding its proprietary, business confidential and trade secret information which is or may be shared with various non-Syngenta personnel who perform work for or on its behalf, exemplars of which have been previously produced in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

89. Produce any and all documents discussing or evidencing the treatment of water resources contaminated with atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds, including, but not limited to, documents referencing or referring to costs and/or methodology of such treatment.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 19. Further responding, see responses to Requests No. 1 and 34 above.

90. Produce any and all documents which refer or relate to warnings provided to water providers, customers of water providers, or to the general public regarding the potential health effects and/or the contamination of water resources by atrazine, atrazine-containing products, any atrazine related compound and/or constituents or degradates of such products or compounds, including the warnings themselves and any drafts.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 25. Further responding, see responses to Requests No. 53, 69 and 76 filed contemporaneously herewith, along with labels and MSDSs available at www.syngentacropprotection.com/labels/ which contain information responsive to this Request.

91. Provide any and all documents regarding your decision to or not to provide warnings to public water providers, to distributors, to downstream users, to consumers, to

government regulators, or to the general public relating to atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products or compounds.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 26. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

92. Produce any and all documents relating to any consideration or deliberation by you to start, reduce, or stop making, manufacturing, and/or producing atrazine, any atrazine-containing product, and/or any constituent of such products, including those identifying: any and all individuals involved in that decision making process; on what criteria or reasoning that decision was based; what studies or investigation (internal or otherwise) were done by you prior to the consideration or deliberation; and any and all individuals or departments who made any recommendations to the ultimate decision maker.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 36 and 37. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

93. Produce any and all documents referring or relating to the efficacy of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents of such products, including but not limited to documents comparing crops grown with and without these products.

RESPONSE: Syngenta construes the term "efficacy" to mean "effectiveness." See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 39. See response to Request No. 5 above regarding the efficacy studies available through the USEPA web site.

94. Produce all documents and information regarding total formulation by Syngenta of atrazine and/or atrazine-containing products, including, but not limited to, all such documents and information in which such formulation is subtotaled or sorted, or can be subtotaled or sorted, by any category or subcategory.

RESPONSE: Syngenta objects to this Request to the extent that it seeks "all such documents and information in which such formulation is subtotaled or sorted, or can be subtotaled or sorted, by any category or subcategory," on the grounds that it invades Syngenta's

confidential business information, and is the subject of expert opinion and testimony.

Subject to the foregoing objections, and without waiving the same, see response filed contemporaneously herewith to Plaintiffs' Interrogatory No. 5, and the exhibits produced therewith. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

95. Produce all documents and information regarding each batch or lot of atrazine and/or atrazine-containing products formulated by Syngenta.

RESPONSE: Syngenta objects to this Request on the grounds that the same is overbroad, not limited in time, burdensome, oppressive, and harassing, seeks information which is irrelevant and immaterial to any issue in this case, seeks information which is not reasonably calculated to lead to the discovery of admissible evidence at trial and is beyond the scope of permissible discovery.

Subject to the foregoing objections, and without waiving the same, Syngenta is willing to meet and confer with Plaintiffs regarding the production of a sampling of batch/lot reports.

96. Produce all documents and information regarding the marketing by Syngenta of atrazine and/or atrazine-containing products formulated by Syngenta.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 40 and 44. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

97. Produce any and all documents that discuss your corporate policy governing the procedures by which a product is researched, developed, tested, and marketed, and specifically all documents which discuss how these procedures were applied to the development of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents of such products.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation responsive to this Request. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

98. Produce any and all documents that discuss your expenses, costs, budget, and financial reports referring or relating to research and development of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents of such products.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 42. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

99. Produce any and all documents that relate to how you have used, marketed, and/or sold atrazine, atrazine-containing products, any atrazine related compound, and/or constituents of such products after these products were no longer in use in a given location.

RESPONSE: Syngenta objects to this Request on the grounds that it is vague and ambiguous with respect to how Syngenta "used" atrazine after it was "no longer in use;" If Plaintiffs clarify, Syngenta will respond accordingly.

See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 50. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

100. Produce any and all documents and/or communications between yourself and any lobbyist regarding or relating to the manufacture, distribution, sale, regulation, registration, labeling, and/or potential legislation of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents of such products.

RESPONSE: Syngenta objects to this Request to the extent that it seeks to violate and invade Syngenta's freedoms of speech, assembly, and association guaranteed by the First and Fourteenth Amendments, its freedom to petition for redress of grievances under the First Amendment, its rights to procedural and substantive due process under the Fourteenth Amendment, and its rights to equal protection of the law under the Fifth and Fourteenth Amendments, and the Illinois, Indiana, Iowa, Kansas, Missouri, and Ohio state constitutional equivalents thereof.

Subject to the foregoing objections, and without waiving the same, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 53. With respect to "the manufacture, distribution, sale, regulation, registration, labeling" of atrazine, Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

101. Produce any and all documents related to, referring to, or concerning any proposed legislation, legislation, proposed regulation, regulation, and/or other governmental

action concerning atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products.

RESPONSE: Syngenta objects to this Request to the extent that it seeks to violate and invade Syngenta's freedoms of speech, assembly, and association guaranteed by the First and Fourteenth Amendments, its freedom to petition for redress of grievances under the First Amendment, its rights to procedural and substantive due process under the Fourteenth Amendment, and its rights to equal protection of the law under the Fifth and Fourteenth Amendments, and the Illinois, Indiana, Iowa, Kansas, Missouri, and Ohio state constitutional equivalents thereof.

Subject to the foregoing objections, and without waiving the same, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 54. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

102. Produce any and all documents which mention, concern, or relate to any representations made to the public or to any governmental agency by you or any industry group, lobbyist, and/or individual to whom you have provided funding related to potential or actual health effects, potential or actual contamination of water resources, and/or the economic impact of atrazine, atrazine-containing products, any atrazine related compound, and/or the constituents or degradates of such products or compounds.

RESPONSE: Syngenta objects to this Request to the extent that it seeks to violate and invade Syngenta's freedoms of speech, assembly, and association guaranteed by the First and Fourteenth Amendments, its freedom to petition for redress of grievances under the First Amendment, its rights to procedural and substantive due process under the Fourteenth Amendment, and its rights to equal protection of the law under the Fifth and Fourteenth Amendments, and the Illinois, Indiana, Iowa, Kansas, Missouri, and Ohio state constitutional equivalents thereof.

Subject to the foregoing objections, and without waiving the same, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 8, 9, 10, and 56. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

Also, as Plaintiffs are well aware, Syngenta has made various statements regarding atrazine on its web sites www.atrazinefacts.com, www.syngenta.com (Plaintiffs can perform a search in the upper right hand corner of the Home Page and obtain 42 different hits related to atrazine), and www.syngentacropprotection.com (Plaintiffs can perform a search in the upper

right hand corner of the Home Page and obtain 42 different hits related to atrazine; Plaintiffs can also click on the Herbicides page and search for and obtain multiple documents and information related to atrazine and atrazine-containing products; moreover, Plaintiffs can click on the Labels and MSDS page and search for such atrazine-related documents by Product, Crop Group or Product Type). See also the previously produced labels and MSDSs, and the stewardship and Best Management Practices ("BMP") documents previously produced.

103. Produce any and all documents that refer or relate to any person or group who has studied atrazine, atrazine-containing products, atrazine related compounds, and/or the constituents or degradates of such products or compounds at your behest or with your funding, including, but not limited to, any documents evidencing monies, contributions, donations, or fees paid, or any other transfer of value from you to each, any contracts entered into with each, any reports, proposals, or other documents each submitted on your behalf, any work files and/or studies each was involved in or commented on for you, and any drafts of any documents prepared by each.

RESPONSE: Syngenta objects to this Request to the extent that it seeks to violate and invade Syngenta's freedoms of speech, assembly, and association guaranteed by the First and Fourteenth Amendments, its freedom to petition for redress of grievances under the First Amendment, its rights to procedural and substantive due process under the Fourteenth Amendment, and its rights to equal protection of the law under the Fifth and Fourteenth Amendments, and the Illinois, Indiana, Iowa, Kansas, Missouri, and Ohio state constitutional equivalents thereof.

Subject to the foregoing objections, and without waiving the same, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 3 and 62. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

104. Produce any and all protocols, plans, budgets, raw data, analyses of data, reports, correspondence and other documents regarding any study or analysis performed by Syngenta or anyone on behalf of Syngenta for the purpose of modeling or tracing the fate and transport of atrazine or atrazine degradates or metabolites from any place of application to any watershed, any body of water, or any source of water used by any community water system.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 1 and 7 and response to Plaintiffs' Interrogatory 38 filed contemporaneously herewith. Further responding, see studies and analyses available from the USEPA web sites referred to in response to Request 5 above. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

105. Produce any and all documents that refer or relate to any person, group, or entity who has studied atrazine, atrazine-containing products, atrazine related compounds, and/or the constituents or degradates of such products or compounds at your behest or with your funding, including, but not limited to, any documents evidencing monies, contributions, donations, or fees paid, or any other transfer of value from you to each, any contracts entered into with each, any reports, proposals, or other documents each submitted on your behalf, any work files and/or studies each was involved in or commented on for you, and any drafts of any documents prepared by each.

RESPONSE: Syngenta objects to this Request to the extent that it seeks to violate and invade Syngenta's freedoms of speech, assembly, and association guaranteed by the First and Fourteenth Amendments, its freedom to petition for redress of grievances under the First Amendment, its rights to procedural and substantive due process under the Fourteenth Amendment, and its rights to equal protection of the law under the Fifth and Fourteenth Amendments, and the Illinois, Indiana, Iowa, Kansas, Missouri, and Ohio state constitutional equivalents thereof.

Subject to the foregoing objections, and without waiving the same, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 3 and 62. Further responding, see studies and analyses available from the USEPA web sites referred to in response to Request 5 above. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

106. Produce any and all documents that refer or relate to any person, group, or entity who has written articles, blogs, or other published material at your behest or with your funding, including, but not limited to, any documents evidencing monies, contributions, donations, or fees paid, or any other transfer of value from you to each, any contracts entered into with each, any reports, proposals, or other documents each submitted on your behalf, any work files and/or studies each was involved in or commented on for you, and any drafts of any documents prepared by each.

RESPONSE: Syngenta objects to this Request to the extent that it seeks to violate and invade Syngenta's freedoms of speech, assembly, and association guaranteed by the First and Fourteenth Amendments, its freedom to petition for redress of grievances under the First Amendment, its rights to procedural and substantive due process under the Fourteenth Amendment, and its rights to equal protection of the law under the Fifth and Fourteenth Amendments, and the Illinois, Indiana, Iowa, Kansas, Missouri, and Ohio state constitutional equivalents thereof.

Subject to the foregoing objections, and without waiving the same, Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

107. Produce any and all documents which mention, concern or relate to any article, study, publication, or other document that are unfavorable or unsupportive of atrazine, atrazine-containing products, any atrazine related compound, and/or the degradates or constituents of such products or compounds, or any study or publication funded by you concerning atrazine, atrazine-containing products, any atrazine related compound, and/or the degradates or constituents of such products or compounds, including, but not limited to, documents identifying when and how you became aware of the article, study, or publication and/or of the authors' opinions; your knowledge of and/or involvement in the industry's reaction to the article, study, or publication; any individual's attempts to discredit the authors' opinions; and all copies of the article, study, or publication that evidence notes written by you.

RESPONSE: Syngenta objects to this Request to the extent that it seeks production of documents protected by the attorney-client privilege and/or work product doctrine. Syngenta further objects to the extent that the request seeks "knowledge of ...the industry's reaction," as the same is vague, ambiguous, overbroad, seeks information which is irrelevant and immaterial to any issue in this case, and is not reasonably calculated to lead to the discovery of admissible evidence at trial.

Subject to the foregoing objections, and without waiving the same, see non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production Nos. 1, 2, 7, 63, 64, 66, 67, 69, 86, 93, and 94. Syngenta continues to collect and will produce to Plaintiffs non-privileged, relevant and responsive documents in its rolling production of documents.

108. Produce any and all documents referring or relating to each person employed or hired by you who has provided testimony (by deposition, trial, hearing, affidavit, or other sworn manner), as well as the testimony itself along with any materials provided, in any litigation or administrative proceeding involving contamination of water resources and/or the health effects by/of atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products.

RESPONSE: To the extent that any documents responsive to this Request are governed by or are subject to applicable Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA") or American Arbitration Association ("AAA") rules, regulations, or procedures regarding confidentiality, such information is sealed and **subject to various Protective Orders and Arbitration Confidentiality Agreements, and:** Syngenta cannot produce the same outside the limits thereof.

Subject to the foregoing objections, and without waiving the same, Syngenta refers Plaintiff to the non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 97 and its response to Plaintiffs'

Interrogatory No. 17 filed contemporaneously herewith, which litigation files are a matter of public record and which are equally available to Plaintiffs.

109. Produce any and all documents referring to, relating to, or constituting insurance policies in which you are a named insured or additional insured and which you claim covers you for the events alleged against you in this action, including all declarations, policy forms, and endorsements.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those continually being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 100. Syngenta is currently making arrangements to have any insurance policies responsive to this Request copied/scanned and produced to Plaintiffs in the agreed-to format.

110. Produce any and all documents referring or relating to communications between you and any insurer or potential insurer concerning atrazine, atrazine-containing products, atrazine related compounds, and/or constituents or degradates of such products, and all documents regarding any claim, acknowledgement or denial of coverage for Plaintiffs' claims against you in this action.

RESPONSE: See non-privileged, relevant, and responsive documents already produced and those being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 101. Additional non-privileged, relevant and responsive documents are being assembled and will be produced to Plaintiffs.

111. Produce any and all documents that relate or refer to the case *Syngenta Crop Protection, Inc. v. Insurance Company of North America, et al.*, UNN-L-3230-08 (Super. Ct. N.J. 2008), and any declaratory judgment action concerning this action or *Holiday Shores Sanitary Dist., et al. v. Syngenta Crop Protection, Inc., et al.*, including but not limited to pleadings, discovery requests and responses, witness statements, and/or other information concerning this lawsuit.

RESPONSE: : See non-privileged, relevant, and responsive documents already produced and those being produced on a rolling basis by Syngenta in the instant case and/or in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation in response to plaintiff HSSD's First Requests for Production No. 101. Additional non-privileged, relevant and responsive documents are being assembled and will be produced to Plaintiffs.

112. Produce any and all records of any citation(s) issued to you or penalties assessed against you by any governmental agency, domestic or foreign, concerning contamination of water resources by atrazine, atrazine-containing products, any atrazine related compound, and/or constituents or degradates of such products.

RESPONSE: Any non-privileged, relevant and responsive documents will be produced to Plaintiffs.

113. Produce your current records retention policies and any prior records retention policies for documents of the type requested in these Requests for Production or inquired about in the accompanying Interrogatories.

RESPONSE: Syngenta has previously produced its records retention policy; see the following Bates range documents: SYN00152221 – SYN00152312.

Respectfully submitted,

REEG LAWYERS, LLC

By:


Kurtis B. Reeg ARDC# 3126350
1 N. Brentwood Blvd.
Suite 950
St. Louis, Missouri 63105
Telephone: (314) 446-3350
Facsimile: (314) 446-3360
kreeg@reeglawfirm.com

Mark C. Surprenant
Adams and Reese LLP
4500 One Shell Square
New Orleans, Louisiana 70139
Telephone: (504) 585-0213

Michael A. Pope
McDermott Will & Emery
227 West Monroe Street
Chicago, IL 60606
Telephone: (312) 372-2000

ATTORNEYS FOR DEFENDANT
SYNGENTA CROP PROTECTION, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 9th day of May, 2011, I caused to be served the attached via **e-mail** and **United States Mail**, properly addressed and postage paid, upon the following counsel:

Mr. Stephen M. Tillery, Esq.
Ms. Christie Deaton, Esq.
Korein Tillery, L.L.C.
U.S. Bank Plaza
505 North 7th Street, Suite 3600
St. Louis, MO 63101,

and

Mr. Scott Summy
Ms. Celeste Evangelisti
Baron & Budd
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219

Attorneys for Plaintiff
CITY OF GREENVILLE, ILLINOIS

Sarah I Suedkamp

EXHIBIT 3

Order entered March 3, 2011

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

FILED
MAR 03 2011

CLERK OF CIRCUIT COURT #77
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

HOLIDAY SHORES, ET AL,)
Plaintiffs,)
)
-vs-)
)
)
SYNGENTA, ET AL,)
Defendants.)

No. 04-L-710

ORDER

This matter was noticed for hearing February 23, 2011 on Plaintiff's Motion for Evidentiary Hearing or for Protective Order filed February 16, 2011 and Plaintiff's Renewed Motion to Compel filed the following day. Present for the Plaintiff was Steve Tillery. Present representing Defendant Syngenta was Kurtis Reeg. Also present was Raymond Bell representing Dr. Don Coursey and The Heartland Institute.

In addition to the aforementioned motions of the Plaintiff, Defendant Syngenta filed a Response to Plaintiff's Motion for Evidentiary Hearing and/or Protective Order, a Motion to Quash Plaintiff's Notice of Hearing and/or Stay, and a Response to Plaintiff's Renewed Motion to Compel on February 22, 2011.

Syngenta also filed on the same day a Motion to File Exhibits Under Seal, which this Court granted and entered, without objection, with an Order dated February 22, 2011.

Mr. Bell filed a Motion for Protective Order Staying Plaintiff's Discovery on behalf of Heartland, and a Motion to Modify Order of September 22, 2010. The Motion to Modify was withdrawn, and Mr. Bell advised the Court that the Motion for Protective Order was filed to preserve its First Amendment objection to Plaintiff's discovery requests of which Judge Crowder previously ordered compliance.

Finally, Plaintiff filed a Motion for Sanctions at the time of the hearing on February 23, 2011, and advised the Court that he would seek an evidentiary hearing for said motion, as well as for the issues raised in Plaintiff's motions filed on February 16 and 17, 2011, respectively, as they are related issues.

The Court, having reviewed prior Orders of Judge Crowder, the parties' submissions and exhibits, and heard argument, and being fully advised in the premises, finds and Orders as follows:

1. Defendant Syngenta agrees to and shall amend its prior responses to Plaintiff's Interrogatories 1, 2, 3(c), 3(f), 4(d), 4(e), 4(f), 4(g), 8, 10, 12, 14, 16(b), 16(c), 16(d), 17, 18, 20, 24 and 29.
2. Defendant Syngenta agrees to and shall supplement its other prior responses to Plaintiff's Interrogatories in accordance with Illinois rules.
3. Defendant Syngenta agrees to and shall supplement its prior responses to Requests for Production in accordance with Illinois rules.
4. Counsel for Defendant Syngenta will meet and confer with their client in person the week of February 28, 2011, and upon return will meet and confer with Plaintiff's counsel regarding a due date for such supplemental responses. In the event the parties cannot agree upon a due date for same, this Court will determine a due date.
5. The parties will also meet and confer regarding Defendant Syngenta's privilege logs, and the documents/information it contends is protected by FIFRA and arbitration rules/procedures, in an attempt to narrow the issues and to group documents in a manner to facilitate an efficient *in camera* review of the documents that Defendant Syngenta maintains are privileged.
6. The Court will schedule an *in camera* inspection of said documents, and at such time will hear any arguments of counsel regarding the existence or non-existence of any claimed privilege. The parties are encouraged to advise the court if they have any agreeable dates to do so.
7. Plaintiff's Motion for an Evidentiary Hearing is allowed regarding the issue of the retention of Dr. Don Coursey by Defendant Syngenta as a consulting expert. The Court notes that previously Judge Crowder was advised by Defendant Syngenta and Mr. Bell that the retention date was June 2006, and the pertinent parts of her Order dated September 22, 2010 were premised on that representation. At some point during the discovery process counsel for the Plaintiff was advised that Dr. Coursey was retained February 14, 2006. Then Plaintiff was recently advised that the date was actually January 9, 2009, which was confirmed in open Court on February 23, 2011. Apparently many documents and materials that post-dated June 2006 were withheld from the Plaintiff on the basis that they were work product derived from a consulting expert relationship, and after an enlightening moment that has yet to be fully explained, it was determined that the retention date was two and a half years later, so some 900 additional documents were turned over to Plaintiff on the eve of the last hearing in this matter.
8. The issues raised in Plaintiff's Renewed Motion to Compel are reserved for further hearing as necessary pending a.) Continued review by Plaintiff's counsel of the "900 documents" Plaintiff received on the eve of the February 23, 2011 hearing to determine the extent of compliance, and b.) Defendant Syngenta

counsel's representations to the Court that he intends to further confer with his client and Plaintiff's counsel in an attempt to resolve discovery disputes.

9. The parties were to provide this Court with an agreed order regarding the February 23, 2011 hearing, but were unable to. They did agree upon a hearing date of March 10, 2011 at 9:00 AM, but were unable to agree upon the scope of the hearing.
10. Prior to the entry of this Order, counsel for Dr. Coursey filed a motion to continue the March 10, 2011 hearing alleging that Dr. Coursey's teaching schedule prevents him from being present on March 10, 2011, and that other dates would be more accommodating. Dr. Coursey's presence at this hearing is necessary to resolve the issue of his retention as a consulting expert.
11. Insofar as the Rule 237(b) notice served on Mr. Bell, his law firm and his client is concerned, work product in Illinois is a narrow doctrine, protecting only "materials generated in preparation for litigation which reveal mental impressions, opinions or trial strategy" of an attorney or consulting expert. *Midwest-Pachen Joint Venture v. IMO Industries*, 265 Ill.App.3d 654 (1st Dist. 1994). As such, any requested documents *previously produced during discovery* [see Rule 237(b)] that do not reveal mental impressions, opinions or trial strategy of an attorney or consulting expert shall be produced pursuant to the notice, and any documents asserted to be consulting expert or attorney work product shall be disclosed pursuant to Rule 201(n). Any discovery previously or hereafter requested of Mr. Bell and Syngenta on the issue of the retention of Dr. Coursey shall be seasonably supplemented or disclosed as required by Illinois rules. The portion of the notice regarding the personal appearance of counsel is hereby quashed.
12. The Court directs the parties to continue to facilitate discovery and make reasonable attempts to resolve their differences over discovery pursuant to Supreme Court Rule 201(k).
13. The evidentiary hearing previously agreed upon by the parties is continued from March 10, 2011 to March 18, 2011 at 9:00 AM. Plaintiff's Motion for Sanctions, Renewed Motion to Compel (if necessary), and the issue of the retention of Dr. Coursey will be heard at such time. A deadline of March 14, 2011 is imposed for any further submissions the parties wish to file for said hearing.

Clerk to send copies of this Order to the parties of record.

Enter: MAR 03 2011

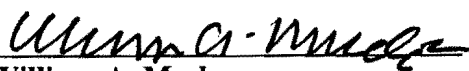

William A. Mudge
Circuit Judge

EXHIBIT 4

Defendant's Responses to Plaintiffs' First Interrogatories,
Nos. 1, 2, and 3, dated May 10, 2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CITY OF GREENVILLE, ILLINOIS *et al.*,

Plaintiffs,

V.

SYNGENTA CROP PROTECTION, LLC f/n/a
SYNGENTA CROP PROTECTION, INC. *et al.*,

Defendants,

Case No. 10-188-JPG-PMF

**DEFENDANT SYNGENTA CROP PROTECTION, LLC'S RESPONSES TO
PLAINTIFFS' FIRST INTERROGATORIES DIRECTED TO
DEFENDANT SYNGENTA CROP PROTECTION, LLC**

COMES NOW Defendant Syngenta Crop Protection, LLC, f/n/a Syngenta Crop Protection, Inc. (“Syngenta”), and for its Responses to Plaintiff’s First Interrogatories directed to it, states that its responses to the Interrogatories below remain subject to, and do not waive, any objections asserted by Syngenta in response to similar Requests served in parallel litigation pending in the Circuit Court of Madison County, Illinois, namely *Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al.*, Cause No. 2004-L-000710 (the “HSSD case” or “HSSD litigation”). Notwithstanding the above, and for its Responses to Plaintiff’s First Interrogatories, Syngenta states as follows:

DEFINITIONS

As used in these Requests, the following terms shall have the following meanings:

1. "Atrazine" means 2-chloro-4 ethylamino-6-isopropylamino-s-triazine.
2. "Atrazine related compound" means any of the compounds identified collectively as "related compounds" in the list of active ingredients on an atrazine-containing product's label or packaging.
3. "Atrazine-containing product" means a product in which atrazine is an active ingredient.
4. "Atrazine Degradate(s)" means any of the chemicals into which atrazine breaks down or that are formed by the reaction and/or combination of atrazine or its degradants and other chemicals commonly found in water supplies. These include, but are not limited to:
 - deethylatrazine (a/k/a DEA and 2-Amino-4-chloro-6-isopropylamino-s-triazine);
 - deisopropylatrazine (a/k/a DIA and 2-Amino-4-chloro-6-ethylamino-s-triazine);
 - diaminochloroatrazine (a/k/a DAC or 2,4-Diamino-6-chloro-s-triazine);
 - ammeline;
 - ammelide;
 - n-ethylammelide
 - n-isopropylammelide;
 - cyanuric acid;
 - hydroxyatrazine;
 - hydroxideethylatrazine;
 - hydroxydeisopropylatrazine; and
 - n-nitrosoatrazine:

RESPONSE: Syngenta states that several of the chemicals listed above are not "commonly found in water supplies" as suggested by Plaintiffs. Moreover, although n-nitrosoatrazine is defined as a degradate by plaintiffs, Syngenta states that n-nitrosoatrazine is not a true breakdown product of atrazine.

5. "Date" means the exact day, month, and year, if ascertainable, or if not, a description of the temporal relationship of the occurrence for which the date is sought to the closest dates which are ascertainable.
6. "Defendants" means Syngenta Crop Protection, Inc. and Syngenta AG, and any predecessors, divisions, subdivisions, foreign subsidiaries, foreign subsidiaries of predecessors, domestic or foreign corporate parents, and/or affiliates.

OBJECTIONS: Syngenta objects to this Definition on the grounds that the same is overbroad, burdensome, oppressive, harassing, meant to annoy Syngenta seeks information which is irrelevant and immaterial to any issue in this case, seeks information which is not reasonably calculated to lead to the discovery of admissible evidence at trial,

and seeks information which is beyond the scope of permissible discovery. Certain of the subsidiaries and/or predecessors of Syngenta date back to at least the mid-1700's and it is unreasonable to demand that Syngenta search for responsive information that far back in time. Syngenta further objects to any discovery directed to "all of its and its predecessor companies' direct and indirect domestic and foreign parent companies...and subsidiaries" on the grounds that Plaintiffs have failed to sustain their legally-required burden of demonstrating requisite control by any such entities over Syngenta or Syngenta's control over the documents of any of its "all of its and its predecessor companies' direct and indirect domestic and foreign parent companies...and subsidiaries." Additionally, Syngenta objects to this Definition on the grounds that the same violates the due process rights of any "domestic and foreign parent companies...domestic and foreign subsidiaries... and...independent contractors" of Syngenta, including any such entities located in or organized or existing under the laws of the nation of Switzerland. Syngenta further objects to any discovery related to any entity associated or affiliated with Syngenta which is located or domiciled in Switzerland, as such discovery is violative of various provisions of Swiss law, including, but not limited to, Articles 271 and 273 of the Swiss Penal Code, the Federal Act on Data Protection, and its accompanying Ordinance on the Federal Act on Data Protection.

RESPONSE: Subject to the foregoing objections, without waiving the same, and to protect the Record, Syngenta continues to note its objections to this Definition, its scope, and continues to assert its position that production of documents located in Switzerland is barred (as noted above) to the extent that any such documents cannot be obtained due to computer or IT access limits placed on certain types and categories of information. Syngenta has advised both Plaintiffs of the minimal measures that need to be taken to apply to a Swiss court to obtain release of certain electronic and hard copy documents located therein, but Plaintiffs refuse to engage in such process.

Subject to the foregoing objections, without waiving the same, and subject to the Protective Order entered in this case, Syngenta will produce any non-privileged, relevant and responsive information that is information or documents. Further answering, the correct name of the Defendant is Syngenta Crop Protection, LLC f/n/a Syngenta Crop Protection, Inc.

7. "Document(s)" means documents or electronically-stored information stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form, including but not limited to writings, drawings, graphs, charts, photographs, sound recordings, images, other data and data compilations, and information or data that identifies, describes, locates or links to such documents or data, including but not limited to computer and network activity logs, file inventories, file folders, indices, and metadata.
8. "Health effects" means any effect or potential effect, adverse or otherwise, to human health or the health of other living organisms.
9. "Identify" or "state" means provide information with precision and accuracy sufficient,

after reasonable investigation (including but not limited to directing inquiries to your employees and agents and examining documents in your possession, custody or control), to distinguish and describe the subject matter with reasonable specificity. For example:

- For a person – full name, last known address (or date of death, if applicable), employer name and job title.
 - For a place – information including but not limited to:
 - state;
 - county, township, city, town, village or other political subdivision;
 - street address;
 - township, range, section and quarter-section;
 - parcel number;
 - latitude and longitude; and
 - GPS coordinates.
 - For a date – e.g., year, season or quarter, month, day, time.
 - For a document – date, title or subject, description of contents, author(s), recipient(s), custodian(s).
 - For data – description, format, date (or date range), source(s), custodian(s).
 - For an entity – name, address, principal place of business, state of incorporation (if applicable).
10. “Metabolite” means a breakdown product, intermediate, or other biochemical substance produced by biological processes.
 11. “Or” shall be construed either conjunctively or disjunctively to bring within the scope of these Interrogatories any information which might otherwise be construed to be outside their scope.
 12. “Study” or “studies” should be understood to include all internal and external studies and all research, surveys, tests, investigations, assessments, drafts and summaries of same and all communications concerning such study or studies.
 13. “Water resource” or “water supply” means groundwater, surface water, and/or any system for the provision to the public of water for human consumption.
 14. “You,” “your,” “yours,” “Syngenta,” or “Syngenta” means the answering defendant and any of its merged, consolidated, or acquired predecessors, divisions, subdivisions, foreign subsidiaries, foreign subsidiaries of predecessors, domestic or foreign corporate parents, and/or affiliates including, but not limited to J.R. Geigy Limited, Ciba Crop Protection, Zeneca Agrochemicals, Ciba-Geigy Limited, and Novartis Agribusiness. This definition includes present or former officers, directors, agents, representatives, employees, and all other persons acting or purporting to act on behalf of Syngenta Crop Protection, Inc., or its predecessors, subsidiaries, and/or affiliates. “Predecessors” means any business firm, whether or not incorporated, which had all or some of its assets purchased or acquired by

Syngenta Crop Protection, Inc., whether by merger, consolidation, or otherwise.
“Subsidiaries” further means any business firm, whether or not incorporated, which is or was in any way owned or controlled, in whole or in part, by Syngenta Crop Protection, Inc., or its predecessors. Representative means any partner, agent, employee, consultant, attorney, accountant, or anyone else acting or purporting to act for, at the direction of, or on behalf of another.

OBJECTIONS: See objections and response to Definition 6 above.

1.

INTERROGATORIES

***NOTES:**

1. Syngenta has heretofore produced ~4.8 Million unique pages of documents in the Holiday Shores Sanitary District et al. v. Syngenta Crop Protection, Inc. et al., Cause No. 2004-L-000710, litigation. Syngenta designates and stipulates that any documents produced in the HSSD litigation shall be deemed to have been produced in the instant Greenville case as well.

2. Additionally, Syngenta is limited in certain respects by its previously produced Records Retention policies as to certain kinds of documents it still has in its possession. Thus, responses to Requests for "any and all documents...." are necessarily limited by the operation and implementation of such policies.

3. Finally, Syngenta has requested several times pursuant to the Local meet and confer Rules for clarification and limitation of the scope of discovery going forward since its last formal document collection in February, 2010, and while Plaintiffs have advised they would discuss the same but Plaintiffs have failed to respond or clarify. Thus, Syngenta intends to continue with its current and ongoing rolling document production until Plaintiffs provide the requested response and clarification.

1. Identify each person that you have reason to believe may have knowledge of facts and/or possession of information relevant to any of the claims or defenses in this case, and for each such person, describe the knowledge or information you have reason to believe the person may have.

RESPONSE: Syngenta has thousands of employees and it is impossible to identify every employee who has knowledge which Plaintiffs may consider relevant to the claims or defenses in this case. Plaintiff has been provided the organizational structure of Syngenta in prior discovery responses, with the names, titles and departments in which various employees work. Potentially hundreds of employees have some relevant knowledge related to some aspect of either the Plaintiffs' claims or Syngenta's defenses. Additionally, Syngenta has produced and continues to produce millions pages of documents, and many of those documents identify numerous persons with the knowledge of or related to the topics discussed within those same

documents; Syngenta discloses all such persons as persons having some knowledge of relevant facts as requested herein.

Subject to continuing investigation, and reserving the right to amend these responses in the future, Syngenta further identifies the following persons who it believes have knowledge of relevant facts concerning any of the claims or defenses relative to the subject matter involved in this case:

- i. Janis McFarland, Ph.D., Head, Regulatory Affairs NAFTA, Syngenta Crop Protection, LLC, Greensboro, NC. Principally involved in atrazine matters since initiation of Special Review in 1994.
- ii. Charles Breckenridge, Ph.D., Sr. Science and Technology Fellow, Syngenta Crop Protection, LLC, Greensboro, NC. Involved in toxicological atrazine research.
- iii. James Stevens, Ph.D., retired Syngenta employee, NC. Wake Forest University School of Medicine, Winston-Salem, NC. Consultant in ongoing atrazine toxicological research.
- iv. Tim Pastoor, Ph.D., Principal Scientist, Syngenta Crop Protection, LLC, Greensboro, NC. Involved in toxicological atrazine research.
- v. Dennis Tierney, Ph.D., former Syngenta employee, Greensboro, NC. Involved with atrazine stewardship.
- vi. Brian Christensen, BCC, Inc., Minnetonka, MN. Involved with atrazine monitoring and stewardship.
- vii. Andrew Merritt, Technical Expert III, Syngenta Crop Protection, LLC, Greensboro, NC. Involved in atrazine monitoring.
- viii. Peter Hertl, Ph.D., Head, Product Safety Americas, Syngenta Crop Protection, LLC. Involved in atrazine research and monitoring.
- ix. David Volz, Ph.D., former Syngenta employee, University of South Carolina, Columbia, SC. Involved in toxicological atrazine research.
- x. David Flakne, Sr. State Government Relations Manager, Syngenta Crop Protection, LLC, Greensboro, NC. Involved in atrazine stewardship.

Responsible for state government relations in various states, including Iowa, Illinois, Indiana and Ohio.

- xi. Alan Hosmer, Technical Expert V, Syngenta Crop Protection, LLC, Greensboro, NC, Involved in toxicological atrazine research.
- xii. Ron Williams, Ph.D., Stewardship Manager, Syngenta Crop Protection, LLC, Greensboro, NC. Involved in atrazine stewardship.
- xiii. Dan Campbell, Regulatory Affairs Team Leader, Syngenta Crop Protection, LLC, Greensboro, NC. Involved in atrazine registration.
- xiv. John Licata, Operational HSE & QA Head, Syngenta Crop Protection, LLC, Greensboro, NC. Involved in manufacturing worker safety.
- xv. John Stone, Ph.D., former Syngenta employee. Involved in manufacturing worker safety.
- xvi. John Davis, Global Product Supply Chain Manager, Triazines and Chlorothalonil, Syngenta Crop Protection, LLC, Greensboro, NC. Involved with triazine product supply and FIFRA 7 reports re triazines.
- xvii. Kevin Gesse, Brand Manager CM3, Syngenta Crop Protection, LLC, Greensboro, NC. Involved with strategies for herbicide marketing and purchases of atrazine by Syngenta.
- xviii. Ken Fister, Head-Herbicide Brand Management, Syngenta Crop Protection, LLC, Greensboro, NC. Manages all herbicides; involved with marketing, distribution and sale of atrazine.
- xix. Travis Dickinson, Head-Marketing, Syngenta Crop Protection, LLC, Greensboro, NC. Manages all herbicides; involved with marketing, distribution and sale of atrazine.
- xx. Scott Langkamp, Head, Horticulture, Syngenta Crop Protection, LLC, Greensboro, NC. Predecessor to Mr. Fister; involved with marketing, distribution and sale of atrazine.
- xxi. Dennis Kelly, State Affairs Team Lead, Syngenta Crop Protection, LLC, Greensboro, NC. Oversees state government relations on behalf of Syngenta; involved in atrazine stewardship; interacts with various agricultural, trade, and industry third parties and groups.
- xxii. Todd Barlow, State Government Relations Manager, Syngenta Crop Protection, LLC, Greensboro, NC. Involved in atrazine stewardship;

responsible for state government relations in various states, including Missouri, Kansas, and Nebraska.

- xxiii. Danelle Farmer, Senior State Government Relations Manager, Syngenta Crop Protection, LLC, Greensboro, NC. Involved in atrazine stewardship; responsible for state government relations in various states, including Louisiana.
- xxiv. Jessica Adelman, Head Corporate Affairs, Syngenta America, Inc. Involved with lobbying and communications activities.
- xxv. Angus Kelly. Head, Federal Relations, Syngenta America, Inc. Involved in lobbying activities on behalf of Syngenta.
- xxvi. Lloyd Day. Former Head, US Government Affairs, Syngenta America, Inc. Involved in lobbying activities on behalf of Syngenta.
- xxvii. Paul Hendley, Senior Science & Technology Fellow, Product Safety, Syngenta Crop Protection, LLC, Greensboro, NC. Involved with ecological studies, fate and transport, and certain SAP hearings/matters.
- xxviii. Chris Harbourt, Adjunct Assistant Professor, Agriculture & Bioengineering, University of Illinois, and Principal Engineer for Waterbourne Environmental, Inc., Champaign, IL. Involved in the development and application of modeling and the application of field instrumentation technology to address chemical partitioning, degradation, and dispersion on atypical and complex urban and agricultural settings.
- xxix. Sherry Ford, former Community Outreach, former Senior Communications Manager, Syngenta Crop Protection, LLC, Greensboro, NC. Previously involved with media and communications.
- xxx. Steven Goldsmith, former Senior Communications Manager at Syngenta Crop Protection, LLC, Greensboro, NC; currently employed at Syngenta Bio-Technology, Inc., Research Park Triangle, NC. Previously involved with media and communications.
- xxxi. Ann Bryan, Senior Manager, External Communications-Crop Protection, Greensboro, NC. Involved with media and communications.
- xxxii. Gene Hill, former Syngenta Crop Protection, Inc., employee now with Olsten Staffing for assigned activities within Syngenta Crop Protection, LLC, Greensboro, NC, including biological data summarization, EPA registration activities for multiple active ingredients, source of historical information.

- xxxiii. Dennis Hackett, Team Lead Compliance and Regulatory Support, Syngenta Crop Protection, LLC, Greensboro, NC. Involved in regulatory compliance.
- xxxiv. Jim Wojciak, Senior Technical Manager, Technical Support, Customer Care, Commercial Operations, Syngenta Crop Protection, LLC, Greensboro, NC. Involved in customer contact, service and complaints.
- xxxv. Eric Kuhn, former Atrazine Project Manager, Syngenta Crop Protection, LLC, Greensboro, NC. Liaison between NAFTA and Global re ATZ including the lawsuit.
- xxxvi. Harvey Minnick, Global Manager Data Privacy/Records, Records Retention, Syngenta Crop Protection, LLC, Greensboro, NC. Involved with records retention.
- xxxvii. Rex Martin, Industry Affairs Lead II, Communications/Public Affairs, Syngenta Crop Protection, LLC, Greensboro, NC. Involved in atrazine stewardship; interacts with various agricultural, trade, and industry third parties and groups.
- xxxviii. Nina Heard, Science & Technology Fellow, Operator & Consumer Risk Assessment, Syngenta Crop Protection, LLC, Greensboro, NC. Knowledgeable re atrazine chemistry and breakdown products.
- xxxix. Madan Verma, Analytical Manager, Analytical and Product Chemistry, Technology/Products, Syngenta Crop Protection, LLC, Greensboro, NC.
- xl. Gordon Vail, Senior Technical Brand Manager, Technical Support, Customer Care, Commercial Operations, Syngenta Crop Protection, LLC, Greensboro, NC. Involved in application technology.
- xli. Chuck Forsman, Senior Technical Brand Manager, Herbicide Brand Management, Syngenta Crop Protection, LLC, Greensboro, NC. Involved in application technology.
- xlii. Tom Parshley, Senior 1 Regulatory Product Manager, Professional Products, Regulatory Affairs; former Senior Regulatory Manager, Regulatory Affairs, Syngenta Crop Protection, LLC, Greensboro, NC. Involved in product registrations and regulatory support therefor.
- xliii. Steven Wall, Technical Leader II, Greensboro, NC. Involved in environmental safety.
- xliv. Larry Gasper, Science and Technology Fellow, Greensboro, NC. Knowledgeable re atrazine chemistry and breakdown products.

- xliv. Growmark employees whose names have been disclosed in Growmark's documents and responses to discovery requests may have the knowledge of relevant facts described in said documents or discovery responses.
- xlvi. Any employees or witnesses disclosed in either documents produced or discovery responses by the registrants in the companion *Holiday Shores Sanitary District* litigation may have the knowledge of relevant facts described in said documents or discovery responses.
- xlvii. Any employees, agents or witnesses of the named Plaintiffs may have knowledge of relevant facts.
- xlvi. Any employees, agents or witnesses of the named Plaintiffs disclosed in either their public web sites, documents produced or discovery responses by said Plaintiffs may have the knowledge of relevant facts described in said web sites, documents or discovery responses.
- xlix. Any employees, agents or witnesses of the putative class members may have knowledge of relevant facts.
 - 1. Any employees, agents or witnesses of the putative class members disclosed in either their public web sites, documents produced or discovery responses by said Plaintiffs may have the knowledge of relevant facts described in said web sites, documents or discovery responses.

2. Identify the Syngenta officer, employee or agent who, as of the date of your answers to these interrogatories, has the most knowledge regarding:

- a. The purchase by Syngenta of atrazine and/or atrazine-containing products;
- b. The formulation by Syngenta of atrazine and/or atrazine-containing products;
- c. The marketing by Syngenta of atrazine and/or atrazine-containing products;
- d. The distribution by Syngenta of atrazine and/or atrazine-containing products;
- e. The sale by Syngenta of atrazine and/or atrazine-containing products;
- f. The application by Syngenta or Syngenta customers of atrazine and/or atrazine-containing products, including the locations of applications and quantities applied;
- g. The purchase, formulation, marketing, distribution, sale and/or application (including but not limited to locations of applications and quantities applied) of atrazine and/or atrazine-containing products by customers of Syngenta;

- h. Precision farming and other custom application planning and/or application services offered by Syngenta, including but not limited to knowledge about the nature and location of information and data regarding atrazine and/or atrazine-containing-product application rates and locations obtained in connection with the provision of such services;
- i. The collection of information and keeping of records by Syngenta and Syngenta customers regarding sales and applications of atrazine and atrazine-containing-products for the purpose of compliance with 8 Illinois Administrative Code Section 250.150 and similar regulations of other states;
- j. The registration and regulation of atrazine and atrazine-containing products as restricted-use pesticides under federal and state law;
- k. Syngenta's policies and procedures regarding the registration, licensing and/or certification of employees of Syngenta and Syngenta customers to manufacture, formulate, distribute, sell, purchase and/or apply atrazine and/or atrazine-containing products;
- l. Complaints received by Syngenta about atrazine, atrazine-containing products and/or atrazine degradates or metabolites;
- m. Health and environmental safety issues with respect to atrazine, atrazine-containing products and/or atrazine degradates or metabolites, including but limited to issues regarding the health effects of and/or contamination of water sources or water supplies by such substances.

RESPONSE: Syngenta has thousands of employees and it is impossible to identify every employee who has knowledge which Plaintiffs may consider relevant to the claims or defenses in this case. Plaintiff has been provided the organizational structure of Syngenta in prior discovery responses, with the names, titles and departments in which various employees work. Potentially hundreds of employees have some relevant knowledge related to some aspect of either the Plaintiffs' claims or Syngenta's defenses. Additionally, Syngenta has produced and continues to produce millions pages of documents, and many of those documents identify numerous persons with the knowledge of or related to the topics discussed within those same documents; Syngenta discloses all such persons as persons having some knowledge of relevant facts as requested herein.

Subject to continuing investigation, and reserving the right to amend these responses in the future, see response to Interrogatory 1 above. Further responding, Syngenta states:

- a. With respect to the purchase by Syngenta of atrazine and/or atrazine-containing products: Alan Camp, Ken Fister and Kevin Gesse.
- b. With respect to the formulation by Syngenta of atrazine and/or atrazine-containing products: Madan Verma.
- c. With respect to the marketing by Syngenta of atrazine and/or atrazine-containing products: Travis Dickinson, Ken Fister and Scott Langkamp.
- d. With respect to the distribution by Syngenta of atrazine and/or atrazine-containing products: Ken Fister and Scott Langkamp.
- e. With respect to the sale by Syngenta of atrazine and/or atrazine-containing products: Ken Fister and Scott Langkamp.
- f. With respect to the application by Syngenta or Syngenta customers of atrazine and/or atrazine-containing products, including the locations of applications and quantities applied: Dan Kidder, Gordon Vail, Chuck Forsman and Gene Hill.
- g. With respect to the purchase, formulation, marketing, distribution, sale and/or application (including but not limited to locations of applications and quantities applied) of atrazine and/or atrazine-containing products by customers of Syngenta: See Responses above re each such category.
- h. With respect to precision farming and other custom application planning and/or application services offered by Syngenta, including but not limited to knowledge about the nature and location of information and data regarding atrazine and/or atrazine-containing-product application rates and locations obtained in connection with the provision of such services: The phrase/term "precision farming" is very broad and vague, and no definition is provided by plaintiffs. Syngenta identifies Dan Kidder, Gordon Vail and Chuck Forsman as being involved in the application, use of, practices regarding and technology and equipment behind various application techniques.
- i. With respect to the collection of information and keeping of records by Syngenta and Syngenta customers regarding sales and applications of atrazine and atrazine-containing-products for the purpose of compliance with 8 Illinois Administrative Code Section 250.150 and similar regulations [undefined by plaintiffs] of other states: Syngenta states that the administrative regulation referenced herein applies only to dealers and

applicators, not registrants, so Syngenta is not required to comply and no such information or records are kept in that regard by Syngenta.

- j. With respect to the registration and regulation of atrazine and atrazine-containing products as restricted-use pesticides under federal and state law: Janis McFarland.
- k. With respect to Syngenta's policies and procedures regarding the registration, licensing and/or certification of employees of Syngenta and Syngenta customers to manufacture, formulate, distribute, sell, purchase and/or apply atrazine and/or atrazine-containing products: Janis McFarland.
- l. With respect to complaints received by Syngenta about atrazine, atrazine-containing products and/or atrazine degradates or metabolites: Jim Wojciak and Dennis Hackett.
- m. With respect to health and environmental safety issues with respect to atrazine, atrazine-containing products and/or atrazine degradates or metabolites, including but limited to issues regarding the health effects of and/or contamination of water sources or water supplies by such substances:

OBJECTION: Syngenta objects to the term "environmental safety" on the grounds that it is vague, ambiguous and undefined. Subject to the foregoing objections, and without waiving the same, Syngenta identifies the following persons with general knowledge Charles Breckenridge and Tim Pastoor (health) and Peter Hertl (ecological monitoring) and Andrew Merritt (community water system monitoring programs).

3. Identify each Syngenta officer, employee or agent who, as of the date of your answers to these interrogatories, has possession, custody or control of documents and/or information regarding:

- a. The purchase by Syngenta of atrazine and/or atrazine-containing products;
- b. The formulation by Syngenta of atrazine and/or atrazine-containing products;
- c. The marketing by Syngenta of atrazine and/or atrazine-containing products;
- d. The distribution by Syngenta of atrazine and/or atrazine-containing products;
- e. The sale by Syngenta of atrazine and/or atrazine-containing products;

- f. The application by Syngenta or Syngenta customers of atrazine and/or atrazine-containing products, including the locations of applications and quantities applied;
- g. The purchase, formulation, marketing, distribution, sale and/or application (including but not limited to locations of applications and quantities applied) of atrazine and/or atrazine-containing products by customers of Syngenta;
- h. Precision farming and other custom application planning and/or application services offered by Syngenta, including but not limited to knowledge about the nature and location of information and data regarding atrazine and/or atrazine-containing-product application rates and locations obtained in connection with the provision of such services;
- i. The collection of information and keeping of records by Syngenta and Syngenta customers regarding sales and applications of atrazine and atrazine-containing-products for the purpose of compliance with 8 Illinois Administrative Code Section 250.150 and similar regulations of other states;
- j. The registration and regulation of atrazine and atrazine-containing products as restricted-use pesticides under federal and state law;
- k. Syngenta's policies and procedures regarding the registration, licensing and/or certification of employees of Syngenta and Syngenta customers to manufacture, formulate, distribute, sell, purchase and/or apply atrazine and/or atrazine-containing products;
- l. Complaints received by Syngenta about atrazine, atrazine-containing products and/or atrazine degradates or metabolites;
- m. Health and environmental safety issues with respect to atrazine, atrazine-containing products and/or atrazine degradates or metabolites, including but limited to issues regarding the health effects of and/or contamination of water sources or water supplies by such substances.

RESPONSE: See responses to Interrogatories 1 and 2 above. Syngenta has approximately 9,000 employees in the United States. The persons identified in response to Interrogatories 1 and/or 2 have had or still may have documents related to the categories listed above. Obviously, co-workers of those persons in the departments/areas referenced may also have possession of documents or records related to the categories above. Plaintiffs have been provided an organizational chart that details the roles of the various persons working in different departments who may also have custody to certain documents which relate to their assigned tasks.

4. For each year from the year in which you first sold atrazine or any atrazine-containing product through the present, identify (including the person's position or job title):

c. FIFRA SCIENTIFIC ADVISORY PANEL (SAP)

OPEN MEETING

September 14 - 17, 2010

FIFRA SAP WEB SITE <http://www.epa.gov/scipoly/sap/>

OPP Docket Telephone: (703) 305-5805

Docket Number: EPA-HQ-OPP-2010-0481

"Reevaluation of the Human Health Effects of Atrazine: Review of Non-cancer Effects and Drinking Water Monitoring Frequency," including papers, studies and PowerPoints submitted regarding Charge to Panel - Question 4.0: Approaches To Evaluating Water Sampling Strategies And Frequency Of Monitoring.

Fate modeling with which Syngenta has worked includes work regarding the PRISM and principal component modeling. Steve Bartell was involved with respect to the eco-toxicology aspects of modeling, and Brian Christensen and Chris Harbourt (both identified above), have also worked on the modeling with Syngenta.

AS TO OBJECTIONS ONLY:

Respectfully submitted,

REEG LAWYERS, LLC

By: 

Kurtis B. Reeg ARDC# 3126350
1 N. Brentwood Blvd.
Suite 950
St. Louis, Missouri 63105
Telephone: (314) 446-3350
Facsimile: (314) 446-3360
kreeg@reeglawfirm.com

Mark C. Surprenant
Adams and Reese LLP
4500 One Shell Square
New Orleans, Louisiana 70139
Telephone: (504) 585-0213

Michael A. Pope
McDermott Will & Emery
227 West Monroe Street
Chicago, IL 60606
Telephone: (312) 372-2000

ATTORNEYS FOR DEFENDANT
SYNGENTA CROP PROTECTION, LLC, f/n/a
SYNGENTA CROP PROTECTION, INC.

VERIFICATION

COMES NOW Syngenta Crop Protection, Inc., by and through Janis McFarland, being duly sworn, on her oath, and deposes and states that: she is the Head of Regulatory Affairs for Syngenta Crop Protection, LLC, f/n/a Syngenta Crop Protection, Inc; she is authorized to act on behalf of Syngenta Crop Protection, LLC with respect to its Responses (only) to Plaintiff's First Set of Interrogatories; that these Responses are partial responses only and will need to be supplemented; said partial Responses were prepared by attorneys for Syngenta Crop Protection, LLC, with the assistance of past or present employees of Syngenta Crop Protection, LLC, and documents in the possession of Syngenta Crop Protection, LLC; she has personal knowledge of certain of the partial Responses (or portions thereof), which Responses are based on her personal knowledge and which Responses are true and correct; and she does not have personal knowledge of certain other partial Responses (or portions thereof), which Responses were based on the assistance of past or present employees of Syngenta Crop Protection, LLC, and documents in the possession of Syngenta Crop Protection, LLC, which partial Responses are true and correct to the best of her present knowledge, information and belief.

SYNGENTA CROP PROTECTION, LLC.

By: Janis E McFarland

Janis McFarland
Head of Regulatory Affairs

SUBSCRIBED AND SWORN TO before me this 9th day of May, 2011.

Brenda Alley

Notary Public

My Commission Expires: January 5, 2012

Dated: May 9, 2011



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 9th day of May, 2011, I caused to be served the attached sent e-mail and via **United States Mail**, properly addressed and postage paid, upon the following counsel:

Mr. Stephen M. Tillery, Esq.
Ms. Christie Deaton, Esq.
Korein Tillery, L.L.C.
U.S. Bank Plaza
505 North 7th Street, Suite 3600
St. Louis, MO 63101,

and

Mr. Scott Summy
Ms. Celeste Evangelisti
Baron & Budd
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219

Attorneys for Plaintiffs
CITY OF GREENVILLE, ILLINOIS, et al

