

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

CITY OF GREENVILLE, ILLINOIS <i>et al</i> ,)	
individually and on behalf of all others)	
similarly situated,)	
)	
Plaintiffs,)	Case No. 10-188-JPG
)	
v.)	
)	
SYNGENTA CROP PROTECTION, LLC)	
and SYNGENTA AG,)	
)	
Defendants.)	

**DEFENDANTS' RESPONSE
TO COURT'S ORDER TO SHOW CAUSE**

On April 19, 2011, this Court ordered Defendants to show cause why the Court should not unseal every document in the case that had been filed under seal. (Dkt. 170). Defendants agree with the Court that the court file has materials filed under seal that should not have been. Many of these documents, including the press release cited by this Court (Dkt. 170 at 4, citing Dkt. 112, Ex. 12), should never have been filed under seal by Plaintiffs because they were not designated as "Confidential" by Defendants. Most of the remaining documents that were filed under seal by Plaintiffs and actually designated as "Confidential" by Defendants should not have been filed in the court file at all because they were never actually cited in the briefs to which they were attached as exhibits. Rather than unsealing these documents and releasing Defendants' confidential business information to the public, however, Defendants request that the Court strike the approximately 250 unnecessary and duplicative documents filed under seal by Plaintiffs. (See Exhibit B). Regardless, Defendants have complied with this Court's Order to Show Cause and provided a justification for the confidentiality of all of the documents which should remain under seal, whether or not stricken. (Exhibit A).

BACKGROUND

On April 19, 2011, this Court ordered Defendants to show cause why the Court should not unseal every document in the case that had been filed under seal. (Dkt. 170). Documents 112, 114, 115, 116, 121, 127, 128 and 134 of the Court file were filed under seal. Document 112 is Plaintiffs' Response to Syngenta AG's Motion to Dismiss for Lack of Personal Jurisdiction. (Dkt. 112). Plaintiffs attached to that response brief 365 separate exhibits, apparently on the basis that those exhibits supported their response. A review of that brief, however, demonstrates that only a small fraction of the exhibits that are actually referred to by Plaintiffs in their brief were designated as "Confidential" under the Protective Order. In other words, most of the exhibits Plaintiffs filed under seal were either not designated "Confidential" or were not cited in Plaintiffs' briefs.

As stated in its previously filed Reply to Plaintiffs' Response to the Court's Order to Show Cause (Dkt. 126), Defendants have no objection the unsealing of Plaintiffs' original motion to strike (Dkt. 114), Plaintiffs' motion to substitute the motion to strike (Dkt. 116), or Plaintiffs' substitute motion to strike (Dkt. 121). Similarly, Defendants have no objection to the unsealing of Syngenta AG's Response to Plaintiffs' Motion to Strike (Dkts. 127, 128)¹ or Syngenta AG's Reply in Support of Syngenta AG's Motion to Dismiss for Lack of Personal Jurisdiction (Dkt. 134). Defendants, however, would be severely prejudiced if the exhibits properly designated as confidential in Dkts. 112 and 115 were unsealed.

¹ Due to a filing error, Syngenta AG's original response to Plaintiffs' motion to strike (Dkt. 127) was stricken by the Court (Dkt. 129) and replaced with an identical response to Plaintiffs' motion to strike (Dkt. 128).

ARGUMENT

I. Plaintiffs Should Be Held Accountable for Abusive and Unnecessary Filing of Documents Under Seal

The Court's frustration with the size and content of documents filed under seal is well-founded. More frustrating is that this situation could have been avoided had Plaintiffs acted in good faith. By filing under seal documents that were not designated as confidential, were duplicative, or were not even cited or referenced in any filing, Plaintiffs have wasted the Court's and Defendants' time and resources.

First, Plaintiffs filed dozens of documents under seal that were not designated as confidential by any party. Included among these non-designated documents is Exhibit 12 to Plaintiffs' Response to Syngenta AG's Motion to Dismiss for Lack of Personal Jurisdiction. (Dkt. 112, Ex. 12). The Court specifically identified this document in its Order to Show Cause and stated that filing such a document under seal is "hogwash." (Dkt. 170 at 4). Defendants agree, which is why Exhibit 12, a press release, was not designated as confidential by Defendants. Despite not being designated as confidential by any party, however, Plaintiffs inexplicably filed Exhibit 12 under seal. (Dkt. 112, Ex. 12). Indeed, there were numerous other exhibits that were never designated as confidential by Defendants yet were filed under seal by Plaintiffs that should also be characterized as "hogwash," including:

- Another press release (Ex. 16);
- Syngenta's publicly available shareholder Annual Reports (Exs. 17, 41), Financial Report (Ex. 270), and Corporate Governance Report (Ex. 318);
- Syngenta AG's publically available SEC filings (Exs. 47, 325);
- Print-outs from Syngenta's internet website (Exs. 334, 335, 336);
- Syngenta Crop Protection, LLC's Interrogatory Responses in this case (Ex. 345)
- A Syngenta Crop Protection, LLC employee's public "Linkedin" webpage (Ex. 351);
- Syngenta Crop Protection LLC's Privilege Log in this case (Ex. 352); and
- Syngenta Crop Protection LLC's Control Group List in this case (Ex. 353).

(Dkt. 112). Defendants have no objection to the unsealing of these documents, or any of the other exhibits filed by Plaintiffs under seal that were not designated as confidential (See Exhibit A)², and question why Plaintiffs filed them under seal in the first place.

Plaintiffs also filed duplicate, identical documents under seal. (See Dkt. 112, Exs. 106 & 107; Exs. 161 & 162; Exs. 268 & 269; Exs. 289, 290 & 291; Exs. 294, 295 & 296). Plaintiffs can hardly claim that this unnecessary duplication of filings under seal was inadvertent since, in every such instance, the duplicate documents were consecutive exhibits. In addition, while Document 115 of the Court file purports to be additional exhibits to Plaintiffs' response to Syngenta AG's Motion to Dismiss (Dkt. 112), the exhibits submitted under seal in Document 115 are duplicates of same exhibit numbers submitted under seal in Document 112. (*Compare* Dkt. 112, Exs. 338-348 *with* Dkt. 115, Exs. 338-348).

Finally, and perhaps most troubling, the Plaintiffs filed hundreds of documents under seal that they never cited or referred to in any court papers. (Exhibit A). Plaintiffs filed 365 documents under seal, yet referenced only 123 exhibits to support factual assertions in their papers filed under seal. The remaining 242, or approximately two-thirds, of the documents Plaintiffs filed under seal have never been cited or relied upon in any brief by any party.³ Obviously, these documents never should have been filed in the first place.

² Attached as Exhibit A is a spreadsheet listing all of the exhibits, by number, Plaintiffs filed under seal in this case. Each of these exhibits was submitted concurrently with Plaintiffs' Response to Syngenta AG's Motion to Dismiss for Lack of Personal Jurisdiction. In subsequent filings, the parties referred to these exhibits rather than re-filing duplicates under seal (not including, as detailed above, the duplicates Plaintiffs filed at the outset). The second column of Exhibit A lists, by docket number, the court filing, if any, which refers to the exhibit. The third column of Exhibit A lists whether the exhibit was initially designated as confidential under the protective order.

³ Plaintiffs may claim that each of the nearly 250 exhibits they did not cite was properly filed under seal because each was individually referenced in Exhibit 1, which Plaintiffs claim is a summary of evidence pursuant to Federal Rule of Evidence 1006. (Dkt. 112 at 3, fn. 1). Federal Rule of Evidence 1006, however, does not require that the materials summarized be submitted to the court. Quite the contrary, Rule 1006 provides that the materials be produced in court by order of the court. There is nothing that requires or envisions a party summarizing documents that are being filed with the court - which would seem to defeat the purpose of a Rule 1006 summary in the first

(continued...)

Syngenta has a very real concern that Plaintiffs' excessive and unnecessary filing of documents under seal was a premeditated scheme designed to exert pressure on Syngenta by pressuring the Court to unseal the court file, and thereby disclose Syngenta's confidential information to the public. Syngenta's concern - - that Plaintiffs may have filed hundreds of documents in the public record for the sole purpose of obtaining an order unsealing them - - is not unprecedented. In *Walker v. Gore*, 2008 WL 4649091 (S.D. Ind. Oct. 20, 2008), plaintiffs attached confidential contracts to their complaint which they filed under seal but informed the court that they were not interested in keeping the contracts under seal. The defendants responded by arguing that plaintiffs "should not be able to avoid the effects of the confidentiality agreement by filing the lawsuit in a public court...." *Id.* at 1. The court recognized that the plaintiffs may have wanted the documents unsealed by court order because they "wanted to use the prospect of public disclosure to put pressure on defendants, but wanted to reduce the risk of damages for breaching the confidentiality promises." *Id.* at 2.

This is precisely what Plaintiffs have attempted here. As the Court correctly notes in its Order to Show Cause (Dkt. 170 at 2), the Protective Order requires that items filed "under seal must be accompanied by a separate motion showing good cause to exclude the materials from the public record." (Dkt. 90 at 1). Here, Plaintiffs attached hundreds of exhibits to their response to Syngenta AG's Motion to Dismiss, and filed them under seal. Despite filing these documents under seal, and therefore in technical compliance with Paragraph 9 of the Protective Order, Plaintiffs failed to separately support their filing as required by the Protective Order. As was the case in *Walker*, Plaintiffs' tactics have the effect of filing documents under seal, but informing the Court that they are not interested in keeping the documents confidential. *See*

place. Regardless, the fact that Plaintiffs listed each exhibit in Exhibit 1 is meaningless because the exhibits were not referred to anywhere in the brief itself.

Walker, 2008 WL 4649091 at *1. This Court, like the court in *Walker*, should not condone such practices as it would be fundamentally unfair to permit Plaintiffs to circumvent the terms of the Protective Order by filing unnecessary exhibits under seal and then failing to properly support their submission, resulting in the release of Syngenta's confidential business information to the public. If Plaintiffs believed that certain information was wrongfully designated as confidential, they should have followed the terms of the Protective Order allowing for objections to confidentiality designations (Dkt. 90 at ¶ 12), rather than burdening the Court and Defendants with their excessive and unnecessary sealed filings.

Accordingly, Syngenta requests that duplicate exhibits and exhibits that were not cited by Plaintiffs in any filing be stricken and removed from the court file. (See Exhibit A). Striking such superfluous documents would serve the dual purpose of removing the unnecessary materials from the Court file, while at the same time maintaining Syngenta's interests in protecting its trade secrets and confidential business information.

II. To the Extent Documents Filed Under Seal by Plaintiffs were Cited and Designated Confidential, They Should Remain Under Seal

To the extent documents filed under seal by Plaintiffs were actually cited in court filings and designated confidential under the terms of the Protective Order, Defendants respectfully request that they remain under seal to prevent the public disclosure of Syngenta's confidential business information. In response to the Court's Order to Show Cause, Defendants have done a second confidentiality review of each of the 365 exhibits submitted by Plaintiffs (regardless of whether the exhibits were used to support any filing). Upon further review, Defendants have no objection to certain documents previously designated as confidential being de-designated and

unsealed. (Exhibit A).⁴ For those exhibits containing confidential information, however, Defendants have set forth a justification for maintaining that document under seal. Each of those justifications falls within a category of information that courts have held warrant filing under seal. *See Bayer Healthcare, LLC v. Norbrook Labs., Ltd.*, 2009 U.S. Dist. LEXIS 105078, at *3 (E.D. Wisc. Oct. 22, 2009) (holding that good cause exists to seal emails regarding regulatory compliance and strategies, and product development information); *Swartz v. Wabash Nat'l Corp.*, 2009 U.S. Dist. LEXIS 47969 (N.D. Ind. June 8, 2009) (holding that good cause exists to seal information on organizational structure, employee assessments and employee compensation); *Metavante Corp. v. Emigrant Savings Bank*, 2008 U.S. Dist. LEXIS 89584, at *26-27 (E.D. Wisc. Oct. 24, 2008) (granting the defendant's motion for leave to file exhibits under seal when the documents contained trade secrets, nonpublic financial information, and nonpublic business information, including pricing, business plans and strategies).

⁴ These revised confidentiality designations are listed in the fourth column of Exhibit A.

CONCLUSION

This Court should strike the duplicative and superfluous exhibits filed by Plaintiffs under seal (Exhibits A, B) and vacate its Order to Show Cause why certain materials filed by Plaintiffs should not be unsealed. (Dkt. 170).

Dated: May 13, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via the Court's CM/ECF system, this 13th day of May, 2011 to:

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	By: <u> /s/ Michael A. Pope </u>

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EXHIBIT A

EXHIBIT A

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
1	Y (112)	Y	Y	Designated by Plaintiffs as Confidential - Describes in detail multiple documents containing confidential information regarding business strategies, sales and pricing information, product development and marketing information, and internal corporate structures, policies and processes.
2	Y (112, 114, 121, 134)	Y	Y	Deposition transcript with confidential information redacted at 57:25-58:3, 89:11-90:9, 90:21-91:2, 91:22-92:3, 96:14-97:25, 98:21-100:7, 103:18-104:25, 109:18-110:24, 111:19-112:1, 114:17-115:6, 116:23, 117:15, 148:6-15, 149:3-11.
3	Y (112, 114, 121, 134)	Y	Y	Deposition transcript with confidential information redacted at 47:11-25, 81:2-16, 120:9-14, 126:7-10, 129:24-132:8, 159:8-160:18, 161:7-12, 162:8-11, 162:23-25, 163:17-19, 164:10-18, 183:3-15, 201:8-203:6, 208:5-209:4, 209:21-210:13, 212:20-218:12, 219:18-21, 221:14-225:8, 230:1-16, 234:17-240:24, 241:19-242:7, 245:21-247:9, 254:9-255:16.
4	Y (112, 114, 121, 127, 128, 134)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
5	Y (112, 114, 121, 127, 128, 134)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
6	Y (112)	Y	Y	Deposition transcript with confidential information redacted at 77:4-78:4, 144:18-145:13, 147:6-148:8.
7	Y (112, 114, 121, 134)	Y	Y	Deposition transcript with confidential information redacted at 7:19-22, 150:13-151:23, 159:17-160:11, 162:20-163:11, 172:14-21, 173:1-181:22, 183:15-184:24, 185:18-186:25, 188:22-189:2, 201:11-204:7.
8	Y (112)	Y	Y	Deposition transcript with confidential information redacted at 46:24-48:2, 50:4-10, 58:2-5, 58:15-17, 61:2-10, 62:12-14, 62:22-63:1, 73:16-21, 74:23-75:11, 81:12-18, 88:7-11, 125:8-126:25, 137:1-5, 140:16-24, 153:5-10, 153:21-154:3, 172:12-173:4, 179:14-180:13, 181:5-8.
9	Y (112, 114, 121, 134)	Y	Y	Deposition transcript with confidential information redacted at 58:23-24.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
10	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
11	Y (112)	Y	Y	Deposition transcript with confidential information redacted at 145:11-21, 146:13-148:10, 157:23-159:10.
12	Y (112)	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
13	Y (112)	Y	Y	Contains confidential business information regarding sales and organizational structure.
14	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
15	Not Cited	Y	Y	Contains confidential business information relating to scientific studies.
16	Not Cited	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
17	Y (112)	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
18	Not Cited	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
19	Y (112)	Y	Y	Contains confidential business information relating to market share, research and development budgets, product development proposals, budget policies.
20	Not Cited	Y	Y	Contains confidential budget information, internal business strategies, and research and development issues.
21	Not Cited	Y	Y	Contains confidential product development and information about active ingredients.
22	Not Cited	Y	Y	Contains confidential budget information and employee review and evaluation.
23	Y (112)	Y	Y	Contains confidential product development information, information regarding manufacturing processes, and proprietary product information.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
24	Not Cited	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
25	Y (112)	Y	Y	Contains confidential information regarding product development, processes and strategies.
26	Not Cited	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
27	Not Cited	Y	Y	Contains confidential business information regarding research proposal and study strategies.
28	Y (112)	Y	Y	Contains confidential product development information, information regarding manufacturing processes, and proprietary product information.
29	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
30	Not Cited	Y	Y	Contains confidential business information regarding strategic plans and business operations.
31	Y (112)	Y	Y	Contains confidential business information regarding strategic plans and business operations.
32	Y (112, 114, 121, 127, 128, 134)	Y	Y	Contains confidential internal governance policies and strategies.
33	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
34	Not Cited	Y	Y	Contains confidential budget information and information regarding proposed studies.
35	Not Cited	Y	Y	Contains confidential information regarding resource allocation and strategy.
36	Y (112)	Y	Y	Contains confidential internal strategy regarding herbicide products.
37	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
38	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
39	Not Cited	Y	Y	Contains confidential business planning, strategy and marketing information.
40	Y (112)	Y	Y	Contains confidential business information regarding product safety strategies, organization and processes.
41	Not Cited	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
42	Not Cited	Y	Y	Contains confidential employee performance evaluation.
43	Not Cited	Y	Y	Contains confidential business information regarding product sales, planning and strategies.
44	Not Cited	Y	Y	Confidential internal communications regarding regulatory strategy.
45	Not Cited	Y	Y	Contains confidential business information regarding internal risk assessment and information regarding processes and strategies.
46	Not Cited	Y	Y	Contains confidential pricing and budget information relating to scientific studies.
47	Y (112)	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
48	Not Cited	Y	Y	Confidential internal communications regarding regulatory strategy.
49	Y (112, 114, 121, 127, 128, 134)	Y	Y	Contains confidential information regarding internal governance, policies and strategies.
50	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
51	Not Cited	Y	Y	Contains confidential business information regarding health, safety & environmental studies.
52	Not Cited	Y	Y	Contains confidential business information regarding internal corporate structures and strategies for corporate governance.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
53	Not Cited	Y	Y	Contains confidential business information regarding human resource policies and processes.
54	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
55	Not Cited	Y	Y	Contains confidential business information regarding Health Assessment and Environmental Safety Development budgets.
56	Not Cited	Y	Y	Contains confidential business information regarding the budgeting and funding of research projects.
57	Y (112)	Y	Y	Contains confidential business information regarding supply chain processes and strategies.
58	Y (112)	Y	Y	Contains confidential business information regarding analysis of research and regulatory landscape.
59	Y (112)	Y	Y	Contains confidential business regarding product development and marketing strategies and analysis.
60	Y (112)	Y	Y	Contains confidential business information regarding regulatory and product development strategies.
61	Not Cited	Y	Y	Contains confidential business information regarding strategic planning of product development projects.
62	Not Cited	Y	Y	Contains confidential business regarding product development and marketing strategies and analysis.
63	Not Cited	Y	Y	Contains confidential business regarding product development and regulatory strategies and analysis.
64	Not Cited	Y	Y	Contains confidential business regarding product development and regulatory strategies and analysis.
65	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
66	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
67	Not Cited	Y	Y	Contains confidential business information regarding regulatory strategies.
68	Y (112)	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
69	Y (112)	Y	Y	Contains confidential business information regarding product development and marketing strategies and analysis.
70	Not Cited	Y	Y	Contains confidential business information regarding product development strategies.
71	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
72	Not Cited	Y	Y	Contains confidential business information regarding product development and marketing strategies and analysis.
73	Not Cited	Y	Y	Contains confidential business information regarding product development and includes market analysis.
74	Not Cited	Y	Y	Contains confidential business information regarding resource allocation and regulatory strategy.
75	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
76	Not Cited	Y	Y	Contains confidential research and development and market analysis information.
77	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
78	Not Cited	Y	Y	Contains confidential business information regarding product development analysis and strategy.
79	Y (112)	Y	Y	Contains confidential financial information
80	Not Cited	Y	Y	Contains confidential business information regarding costs associated with study.
81	Not Cited	Y	Y	Contains confidential product development and strategy information.
82	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
83	Not Cited	Y	Y	Contains confidential product development and market analysis information.
84	Not Cited	Y	Y	Contains confidential product development and market analysis information.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
85	Not Cited	Y	Y	Contains confidential regulatory strategy information.
86	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
87	Not Cited	Y	Y	Contains confidential product development and market analysis information.
88	Not Cited	Y	Y	Contains confidential product development and research information.
89	Not Cited	Y	Y	Contains confidential budget information.
90	Not Cited	Y	Y	Contains confidential information regarding strategy relating to studies.
91	Not Cited	Y	Y	Contains confidential budget information.
92	Not Cited	Y	Y	Contains confidential budget information.
93	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
94	Not Cited	Y	Y	Contains confidential information regarding internal operations.
95	Y (112)	Y	Y	Contains confidential budget and cost information.
96	Not Cited	Y	Y	Contains confidential product strategy information.
97	Not Cited	Y	Y	Contains confidential business information regarding regulatory and operational strategy.
98	Not Cited	Y	Y	Contains confidential product development information, as well as financial projections and cost information.
99	Not Cited	Y	Y	Contains confidential business information regarding regulatory and operational strategy.
100	Not Cited	Y	Y	Contains confidential business information regarding regulatory and operational strategy.
101	Not Cited	Y	Y	Contains confidential budget information.
102	Y (112)	Y	Y	Contains confidential employee compensation information.
103	Not Cited	Y	Y	Contains confidential budget information.
104	Not Cited	Y	Y	Contains confidential business information regarding regulatory and operational strategy.
105	Not Cited	Y	Y	Contains confidential budget information.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
106	Not Cited	Y	Y	Contains confidential product development, market analysis and regulatory strategy information. Duplicate of Ex. 107.
107	Y (112)	Y	Y	Contains confidential product development, market analysis and regulatory strategy information. Duplicate of Ex. 106.
108	Not Cited	Y	Y	Contains confidential employee performance evaluation.
109	Not Cited	Y	Y	Contains confidential business information regarding regulatory strategies and operations.
110	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
111	Not Cited	Y	Y	Contains confidential product development and strategy information.
112	Not Cited	Y	Y	Contains confidential product development and strategy information.
113	Not Cited	Y	Y	Email summary regarding research and business development strategy in Canada.
114	Not Cited	Y	Y	Contains confidential information regarding strategic product planning and implementation.
115	Not Cited	Y	Y	Contains confidential information relating to costs of study.
116	Y (112)	Y	Y	Contains confidential information regarding product research and analysis.
117	Y (112)	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
118	Not Cited	Y	Y	Contains confidential information regarding research strategy for multiple products.
119	Y (112)	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
120	Not Cited	Y	Y	Contains confidential information regarding business strategy and operations
121	Not Cited	Y	Y	Contains confidential business information regarding regulatory and product development strategies.
122	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
123	Y (112)	Y	Y	Contains confidential market analysis and strategy.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
124	Not Cited	Y	Y	Contains confidential regulatory strategy information.
125	Not Cited	Y	Y	Contains confidential business strategy and analysis.
126	Not Cited	Y	Y	Contains confidential regulatory strategy information.
127	Not Cited	Y	Y	Contains confidential information regarding study costs.
128	Not Cited	Y	Y	Contains confidential information regarding study costs.
129	Not Cited	Y	Y	Contains confidential information relating to regulatory policy.
130	Not Cited	Y	Y	Contains confidential information regarding study and research plans, implementation and strategy.
131	Not Cited	Y	Y	Contains confidential business information regarding budgets.
132	Not Cited	Y	Y	Confidential regulatory analysis regarding Australian interim report.
133	Not Cited	Y	Y	Contains confidential business information regarding product development projects and strategies.
134	Y (112)	Y	Y	Contains confidential information regarding pricing and negotiation strategy.
135	Not Cited	Y	Y	Contains confidential information regarding allocation of resources.
136	Not Cited	Y	Y	Contains confidential information regarding product categorization and analysis.
137	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
138	Y (112)	Y	Y	
139	Not Cited	Y	Y	
140	Not Cited	N	N	
141	Not Cited	Y	Y	Filed under seal by Plaintiffs despite absence of confidentiality designation.
142	Not Cited	N	N	Contains confidential business information relating to study protocol.
143	Not Cited	Y	Y	Filed under seal by Plaintiffs despite absence of confidentiality designation.
144	Y (112)	Y	Y	Contains confidential information relating to study and regulatory strategy
145	Not Cited	Y	Y	Contains confidential information regarding product planning and business strategy
				Contains confidential study information and regulatory analysis.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
146	Y (112)	Y	Y	Contains confidential information regarding product strategy, budgeting and sales forecasts.
147	Not Cited	Y	Y	Contains confidential information regarding feasibility project.
148	Not Cited	Y	Y	Contains confidential information regarding study proposals.
149	Not Cited	Y	Y	Contains confidential information regarding budget for study.
150	Not Cited	Y	Y	Contains confidential information regarding product testing.
151	Not Cited	Y	Y	Contains confidential information regarding product testing.
152	Y (112)	Y	Y	Contains confidential information regarding product development and market analysis.
153	Not Cited	Y	Y	Contains confidential information regarding product development analysis and financial information.
154	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
155	Not Cited	Y	Y	Contains confidential information regarding study.
156	Not Cited	Y	Y	Contains confidential information regarding regulatory strategy.
157	Y (112)	Y	Y	Contains confidential information regarding business strategy and processes.
158	Not Cited	Y	Y	Contains confidential budget and cost information.
159	Y (112)	Y	Y	Contains confidential information regarding business strategy and processes.
160	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
161	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. Duplicate of Ex. 162.
162	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. Duplicate of Ex. 161.
163	Not Cited	Y	Y	Contains confidential business strategy and product planning information.
164	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
165	Y (112)	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
166	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
167	Y (112)	Y	Y	
168	Not Cited	Y	Y	
169	Y (112)	N	N	
170	Y (112)	Y	Y	Filed under seal by Plaintiffs despite absence of confidentiality designation.
171	Not Cited	Y	Y	Contains confidential business analysis, forecasting and studies.
172	Not Cited	N	N	Contains confidential budget information.
173	Not Cited	Y	Y	Filed under seal by Plaintiffs despite absence of confidentiality designation.
174	Not Cited	Y	Y	Contains confidential market analysis, forecasting and business planning information.
175	Y (112)	Y	Y	Contains confidential product development, strategy and market analysis information.
176	Y (112)	Y	Y	Contains confidential information regarding contract negotiation and costs.
177	Not Cited	Y	Y	Contains confidential contract negotiation information.
178	Not Cited	Y	Y	Contains confidential business strategy and employee information.
179	Not Cited	Y	Y	Contains confidential product development strategy
180	Not Cited	Y	Y	Contains confidential product development strategy
181	Y (112)	Y	Y	Contains confidential budgeting and strategy information
182	Y (112)	Y	Y	Contains confidential information regarding pricing and contract negotiation strategy
183	Not Cited	Y	Y	Contains confidential product development information
184	Not Cited	Y	Y	Contains confidential business information regarding regulatory compliance strategies.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
185	Y (112)	Y	Y	Contains confidential business information regarding production and manufacturing strategies.
186	Not Cited	Y	Y	Contains confidential business information regarding product testing and development.
187	Y (112)	Y	Y	Contains confidential business information regarding product pricing.
188	Not Cited	Y	Y	Contains confidential business information regarding product development and marketing.
189	Not Cited	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
190	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
191	Not Cited	Y	Y	Contains confidential business information regarding budgetary issues.
192	Y (112)	Y	Y	Confidential employee performance evaluation.
193	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
194	Y (112)	Y	Y	Contains confidential business information regarding budgets.
195	Y (112)	Y	Y	Contains confidential business information regarding budgets and strategic planning.
196	Y (112)	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
197	Y (112)	Y	Y	Contains confidential business information regarding marketing strategy.
198	Y (112)	Y	Y	Confidential employee performance evaluation.
199	Y (112)	Y	Y	Contains confidential business information regarding strategic planning.
200	Not Cited	Y	Y	Contains confidential business information regarding regulatory and compliance issues.
201	Not Cited	Y	Y	Contains confidential business information regarding product research and analysis.
202	Y (112)	Y	Y	Confidential employee performance evaluation.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
203	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
204	Not Cited	Y	Y	Contains confidential business information regarding market data and analysis.
205	Not Cited	Y	Y	Contains confidential business information regarding budget analysis.
206	Not Cited	Y	Y	Contains confidential business information regarding marketing and budgetary analysis.
207	Y (112)	Y	Y	Contains confidential business information regarding products and marketing.
208	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
209	Y (112)	Y	Y	Contains confidential business information regarding product marketing and budgetary matters.
210	Not Cited	Y	Y	Contains confidential business information regarding analysis and strategy for addressing proposed ban of Atrazine.
211	Not Cited	Y	Y	Contains confidential business information regarding analysis and strategy for addressing proposed ban of Atrazine.
212	Not Cited	Y	Y	Contains confidential business information regarding product research and analysis.
213	Not Cited	Y	Y	Contains confidential business information regarding regulatory compliance strategies.
214	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
215	Not Cited	Y	Y	Contains confidential business information regarding product research and development.
216	Not Cited	Y	Y	Contains confidential business information regarding product research and market data.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
217	Y (112)	Y	Y	Contains confidential business information regarding product marketing and pricing.
218	Y (112)	Y	Y	Contains confidential business information regarding product development, marketing and regulatory compliance strategy.
219	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
220	Not Cited	Y	Y	Contains confidential business information regarding analysis regarding regulatory compliance.
221	Not Cited	Y	Y	Contains confidential business information regarding analysis regarding regulatory compliance.
222	Y (112)	Y	Y	Contains confidential business information regarding product development and marketing.
223	Y (112)	Y	Y	Contains confidential business information regarding product marketing strategy.
224	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
225	Y (112)	Y	Y	Contains confidential business information regarding product development strategy and regulatory compliance.
226	Y (112)	Y	Y	Contains confidential business information regarding product development and marketing.
227	Not Cited	Y	Y	Contains confidential business information regarding product development.
228	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
229	Y (112)	Y	Y	Contains confidential business information regarding product safety.
230	Not Cited	Y	Y	Board of Directors presentation containing confidential business information regarding financial information.
231	Y (112)	Y	Y	Contains confidential business information regarding sales.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
232	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
233	Not Cited	Y	Y	Contains confidential employee performance information.
234	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
235	Not Cited	Y	Y	Contains confidential business information regarding sales, pricing and product research.
236	Not Cited	Y	Y	Confidential employee performance evaluation.
237	Not Cited	Y	Y	Confidential employee performance evaluation.
238	Y (112)	Y	Y	Contains confidential business information regarding product development and sales.
239	Not Cited	Y	Y	Contains confidential business information regarding product safety.
240	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
241	Y (112)	Y	Y	Contains confidential business information regarding new product development.
242	Not Cited	Y	Y	Contains confidential business information regarding product composition and development.
243	Not Cited	Y	Y	Contains confidential employee information.
244	Not Cited	Y	Y	Contains confidential business information regarding regulatory compliance strategies and product research.
245	Not Cited	Y	Y	Contains confidential business information regarding product development.
246	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
247	Not Cited	Y	Y	Contains confidential business information regarding sales and marketing.
248	Not Cited	Y	Y	Contains confidential business information regarding budgetary issues.
249	Y (112, 114, 121)	Y	Y	Contains confidential business information regarding corporate governance.
250	Not Cited	Y	Y	Contains confidential business information regarding corporate governance.
251	Not Cited	Y	Y	Contains confidential business information regarding product research and regulatory compliance.
252	Not Cited	Y	Y	Contains confidential business information regarding budgetary issues.
253	Not Cited	Y	Y	Contains confidential business information regarding budgetary and product research issues.
254	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
255	Y (112)	Y	Y	Contains confidential business information regarding product development.
256	Not Cited	Y	Y	Contains confidential business information regarding corporate governance and internal decision-making procedures.
257	Not Cited	Y	Y	Contains confidential business information regarding sales and budgetary analysis.
258	Not Cited	Y	Y	Contains confidential business information regarding employment decisions.
259	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
260	Not Cited	Y	Y	Contains confidential business information regarding regulatory compliance.
261	Not Cited	Y	Y	Contains confidential business information regarding budgetary analysis.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
262	Not Cited	Y	Y	Contains confidential business information regarding product safety and financial analysis.
263	Not Cited	Y	Y	Contains confidential business information regarding product research and regulatory compliance.
264	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
265	Not Cited	Y	Y	Contains confidential business information regarding budgetary issues.
266	Not Cited	Y	Y	Confidential employee performance evaluation.
267	Not Cited	Y	Y	Confidential employee performance evaluation.
268	Not Cited	Y	Y	Contains confidential business information regarding regulatory processes and product safety strategies. Duplicate of Ex. 269.
269	Not Cited	Y	Y	Contains confidential business information regarding regulatory processes and product safety strategies. Duplicate of Ex. 268.
270	Not Cited	N	N	Public Financial Report filed under seal by Plaintiffs despite absence of confidentiality designation.
271	Not Cited	Y	Y	Contains confidential business information regarding product safety strategies.
272	Y (112)	Y	Y	Contains confidential business information regarding product development proposals, including budgetary issues.
273	Y (112)	Y	Y	Contains confidential business information regarding product development budgets and strategies.
274	Y (112)	Y	Y	Contains confidential business information regarding product development budgets and strategies.
275	Y (112)	Y	Y	Contains confidential business information regarding product development proposals, including budgetary issues.
276	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
277	Not Cited	Y	Y	Contains confidential business information regarding product development budgets.
278	Y (112)	Y	Y	Contains confidential business information regarding product development budget and sales information.
279	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
280	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
281	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
282	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
283	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
284	Not Cited	Y	Y	Confidential business information regarding product safety strategies and budget issues.
285	Not Cited	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
286	Not Cited	Y	Y	Contains confidential business information regarding product development strategies.
287	Not Cited	Y	N	By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
288	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
289	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email. Duplicate of Exs. 290 and 291.
290	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email. Duplicate of Exs. 289 and 291.
291	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email. Duplicate of Exs. 289 and 290.
292	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
293	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
294	Y (112)	Y	Y	Contains confidential business information regarding product development and field testing. Duplicate of Exs. 295 and 296.
295	Y (112)	Y	Y	Contains confidential business information regarding product development and field testing. Duplicate of Exs. 294 and 296.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
296	Y (112)	Y	Y	Contains confidential business information regarding product development and field testing. Duplicate of Exs. 294 and 295.
297	Not Cited	Y	Y	Contains confidential business information regarding sales and product development strategies.
298	Y (112)	Y	Y	Contain confidential business information regarding internal financial policies and strategies.
299	Not Cited	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
300	Not Cited	Y	Y	Contains confidential business information regarding market research and marketing strategies.
301	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
302	Not Cited	Y	Y	Contains confidential business information regarding product developments processes and strategies.
303	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
304	Not Cited	Y	Y	Contains confidential business information regarding product development and environmental safety strategies.
305	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
306	Y (112)	Y	Y	Contains confidential business information regarding business management and compliance strategies and organization.
307	Not Cited	Y	Y	Contains confidential business information regarding marketing and product development strategies and budgets.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
308	Not Cited	Y	Y	Contains confidential business information regarding technical evaluations strategies and priorities.
309	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
310	Not Cited	Y	Y	Contains confidential business information regarding product development and marketing strategies and processes.
311	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
312	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
313	Not Cited	Y	Y	Contains confidential business information regarding product safety budgets.
314	Not Cited	Y	Y	Contains confidential business information regarding product safety functions, structures and organization.
315	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
316	Not Cited	Y	N	By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
317	Not Cited	Y	Y	Contains confidential business information regarding product development budgets.
318	Y (112)	N	N	Public Corporate Governance Report filed under seal by Plaintiffs despite absence of confidentiality designation.
319	Not Cited	Y	Y	Contains confidential employee performance review.
320	Not Cited	Y	Y	Contains confidential employee compensation information.
321	Not Cited	Y	Y	d.
322	Y (112)	Y	Y	Contains confidential employee compensation information.
323	Not Cited	Y	Y	Contains confidential business information regarding public relations and media strategies.
324	Not Cited	Y	Y	Contains confidential business information regarding product safety and development strategies.
325	Y (112)	N	N	Publicly filed SEC filing that was filed under seal by Plaintiffs despite absence of confidentiality designation.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
326	Not Cited	Y	Y	Contains confidential business information regarding product development studies and strategies.
327	Not Cited	Y	Y	Contains confidential business information regarding product development and marketing strategies.
328	Y (112)	Y	Y	Contains confidential employee compensation information.
329	Y (112)	Y	Y	Contains confidential business information regarding financial processes and strategies.
330	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
331	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
332	Y (112)	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
333	Y (112)	Y	Y	Contains confidential business information regarding corporate financial and ownership interests.
334	Y (112)	N	N	Print-out of public website page that was filed under seal by Plaintiffs despite absence of confidentiality designation.
335	Not Cited	N	N	Print-out of public website page that was filed under seal by Plaintiffs despite absence of confidentiality designation.
336	Not Cited	N	N	Print-out of public website page that was filed under seal by Plaintiffs despite absence of confidentiality designation.
337	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
338	Y (112)	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
339	Y (112)	Y	Y	Contains confidential employee performance review.
340	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
341	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
342	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
343	Not Cited	Y	Y	Contains confidential business information regarding sales and pricing.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
344	Not Cited	Y	Y	Contains confidential business information regarding pricing.
345	Y (112)	N	N	Syngenta Crop Protection Interrogatory Responses filed under seal by Plaintiffs despite absence of confidentiality designation.
346	Y (112)	Y	Y	Contains confidential business information regarding business decision strategies and financial thresholds.
347	Not Cited	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit. By re-designating this email as non-confidential, Syngenta is not waiving or otherwise altering the confidential designation of the documents attached to the original email.
348	Y (112, 121, 134)	Y	Y	Board of Directors minutes and resolutions containing confidential business information regarding financial and strategic planning issues.
349	Not Cited*	Y	Y	Contains confidential business information regarding employee benefits.
350	Not Cited*	Y	Y	Contains confidential business information regarding sales and marketing.
351	Not Cited*	N	N	Print-out of public LinkedIn page that was filed under seal by Plaintiffs despite absence of confidentiality designation.
352	Not Cited*	N	N	Syngenta Crop Protection Privilege Log that was filed under seal by Plaintiffs despite absence of confidentiality designation.
353	Not Cited*	N	N	Syngenta Crop Protection Control Group List that was filed under seal by Plaintiffs despite absence of confidentiality designation.
354	Not Cited*	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
355	Not Cited*	Y	N	Upon further review, Syngenta does not object to the removal of the confidentiality designation of this exhibit.
356	Not Cited*	N	N	Filed under seal by Plaintiffs despite absence of confidentiality designation.
357	Y (112, 134)*	Y	Y	Contains confidential business information regarding decision-making policies and procedures including financial thresholds for certain corporate actions.

Plaintiffs' Exhibit No. (Dkt. 112)	Cited (Dkt.)	Originally Designated Confidential	Confidential After Additional Review	Confidentiality Justification
358	Y (112, 134)*	Y	Y	Contains confidential business information regarding decision-making policies and procedures including financial thresholds for certain corporate actions.
359	Y (112, 134)*	Y	Y	Contains confidential business information regarding decision-making policies and procedures including financial thresholds for certain corporate actions.
360	Y (112, 134)*	Y	Y	Contains confidential business information regarding decision-making policies and procedures including financial thresholds for certain corporate actions.
361	Y (112)*	Y	Y	Confidential internal policies regarding employee assignments and benefits.
362	Not Cited*	Y	Y	Contains confidential business information regarding product research and regulatory compliance.
363	Y (112)*	Y	N	Designated by Plaintiffs as Confidential - Syngenta does not object to the removal of the confidentiality designation of this exhibit.
364	Y (112)*	N	N	Correspondence between counsel that was filed under seal by Plaintiffs despite absence of confidentiality designation.
365	Y (112)*	Y	Y	Contains confidential business information regarding tax and financial issues.

* When Dkt. 121 was substituted for Dkt. 114, the citations to Exhibits 349-365 in Dkt. 114 was replaced by a citation to Exhibit 348. (See Dkt. 116, p. 1). The reference to Exhibits 349-365 in Dkt. 114 was a mistake.

EXHIBIT B

EXHIBIT B

Documents that Should Remain Under Seal (Cited and "Confidential" under the Protective Order)	Dkt. 112 , Exs. 1-3, 6-9, 11, 13, 19, 23, 25, 28, 31-32, 36, 40, 49, 57-60, 69, 79, 95, 102, 107, 116, 123, 134, 138, 144, 146, 152, 159, 167, 170, 175-176, 181-182, 185, 187, 192, 194-195, 197-199, 202, 207, 209, 217-218, 222-223, 225-226, 229, 231, 238, 241, 249, 255, 272-275, 278, 294-296, 298, 306, 322, 328-329, 333, 339, 346, 348, 357-361, 363, 365
Documents that Should be Striken from the Court File (Not cited)	Dkt. 112 , Exs. 14-16, 18, 20-22, 24, 26-27, 30, 33-35, 38-39, 41-46, 48, 50-53, 55-56, 61-67, 70, 72-78, 80-94, 96-101, 103-106, 108-115, 118, 120-122, 124-133, 135-137, 139-143, 145, 147-151, 153-156, 160-164, 166, 168, 171-174, 177-180, 183-184, 186, 188-191, 200-201, 203-206, 208, 210-216, 220-221, 227, 230, 233-237, 239-240, 242-248, 250-254, 256-271, 276-277, 279-287, 297, 299-305, 307-317, 319-321, 323-324, 326-327, 331, 335-337, 340-344, 347, 349-356, 362; Dkt. 115 , Exs. 338-348
Documents that Should be Unsealed (Cited and not "Confidential" under the Protective Order)	Dkt. 112 , Exs. 4-5, 10, 12, 17, 29, 37, 47, 54, 68, 71, 117, 119, 165, 169, 193, 196, 219, 224, 228, 232, 288-293, 318, 325, 330, 332, 334, 338, 345, 364; Dkt. 114 ; Dkt. 116 ; Dkt. 121 ; Dkt. 127 ; Dkt. 128 ; Dkt. 134