



September 24, 2010

Christopher M. Patti, Esq.
Office of Legal Affairs
University of California, Berkeley
200 California Hall #1500
Berkeley, CA 94720-1500

Re: Dr. Tyrone Hayes

Dear Mr. Patti:

Thank you for your response to the ethics complaint filed by Syngenta Crop Protection, Inc. ("Syngenta") regarding Dr. Tyrone Hayes.

It is reassuring to know that the University does not condone the language used by Dr. Hayes in his e-mail communications to Syngenta personnel. We can only hope that your urging Dr. Hayes to be professional and respectful will be successful unlike the University's previous reprimands.

To complete the record, Syngenta feels that it needs to be clear regarding several points made in your letter of August 26, 2010.

First, while you indicate that the emails in question did not originate from Dr. Hayes' Berkeley web address, many of the emails sent by Dr. Hayes to Syngenta employees did in fact come from tyrone@socrates.berkeley.edu or tyrone@berkeley.edu. Enclosed is a copy of approximately 80 redacted emails which represent a subset of the approximately 1800 emails sent by Dr. Hayes to Syngenta employees. Of this subset, 20 emails are from Dr. Hayes' Berkeley email address. Of the entire 1,800 emails, approximately 900 originate from his University address. Based on your letter, we can only assume that you took Dr. Hayes at his word in your recent discussions with him and that you did not actually investigate where the emails came from. I am sure the University finds it troubling that a tenured faculty member misled the administration with false information.

Second, your letter suggests that Dr. Hayes was goaded by Syngenta into writing the offensive emails in February of 2010. Given that Dr. Hayes sent numerous offensive, taunting emails to Syngenta employees over several years well before February 2010, it is impossible to understand how the University could suggest that



Dr. Hayes was provoked. Further, Dr. Pastoor is adamant that while he did have a conversation with Dr. Hayes in February 2010 in Illinois, he made no threatening or abusive statements. Please note that of the enclosed 80 redacted emails approximately 52 pre-date February of 2010.

Finally, Syngenta's ethics complaint was not directed at Dr. Hayes' scientific arguments. Syngenta also believes that scientific issues should be discussed and resolved through peer review. It is unfortunate that Dr. Hayes, to date, has chosen to ignore your advice and limit himself to appropriate scientific debate.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Nadel".

Alan Nadel
Litigation Counsel

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Enclosures

cc: Russell Gould, Chair
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