

EXHIBIT 1

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP)
PRODUCTS LIABILITY) MDL No. 2741
LITIGATION)
_____) Case No.
THIS DOCUMENT RELATES) 16-md-02741-VC
TO ALL CASES)

MONDAY, JANUARY 23, 2017
CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
- - -

Videotaped deposition of William F. Heydens, Ph.D., held at the offices of HUSCH BLACKWELL, L.L.C., 190 Carondelet Plaza, Suite 600, St. Louis, Missouri, commencing at 9:03 a.m., on the above date, before Carrie A. Campbell, Registered Diplomate Reporter, Certified Realtime Reporter, Illinois, California & Texas Certified Shorthand Reporter, Missouri & Kansas Certified Court Reporter.

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1 QUESTIONS BY MR. MILLER:

2 Q. You can answer.

3 A. This is one of actually five
4 articles that were written.

5 Q. Yes, sir, and let's look at the
6 authors.

7 Are you, William Heydens,
8 listed as an author on this report?

9 A. No, I am not.

10 Q. Did you write any parts of this
11 report?

12 A. I provided a little bit of
13 historical information that -- when I say
14 "historical information," I mean historical
15 information relative to things about Monsanto
16 and registrations going way back to the '70s
17 that none of the authors would have known
18 anything about. So that is some information
19 that I did provide.

20 I also provided a minimal set
21 of -- a few comments at one point in the
22 process, well after the paper had been
23 written and was well on the way to being
24 finalized.

25 Q. So to be clear, you wrote some

1 portions of it from a historical perspective?

2 A. I provided information to
3 Ashley Roberts at Intertek, and then he took
4 that information -- who Ashley is one of the
5 authors. He took that information, and he
6 used it as he saw fit.

7 Q. Did you communicate directly
8 with the authors of this paper about this
9 paper?

10 A. I was not in communication with
11 the authors when they were doing their
12 conclusions and -- doing their evaluations or
13 conclusions. That was -- that was their
14 paper to write, and they did that.

15 Q. You did, in fact, review the
16 article before it was published, true?

17 A. I received -- there was times I
18 remember that I received them, but I never
19 provided comments and asked for changes of
20 any content. Basically never responded. I
21 received them and just filed them off because
22 I did not want to be part of influencing this
23 project at all.

24 Q. Dr. Heydens, you wrote 28
25 proposed edits to this paper before it was

1 time frame there.

2 MR. MILLER: And I object to
3 the speaking objection.

4 QUESTIONS BY MR. MILLER:

5 Q. And we will -- at any time
6 while this report was being prepared, did you
7 have contact with these authors?

8 A. So the only -- so the comments
9 that I just mentioned previously, those were
10 comments that I provided to Ashley Roberts.
11 And so Ashley -- he was the main person who
12 was responsible for making sure that this
13 effort was completed and so -- and that -- at
14 that point in time, the comments I provided
15 to him.

16 As I say, that was very late in
17 the process, well after they had done their
18 evaluation, had their meeting, did their
19 conclusions, wrote up the document. I did
20 have contact with Ashley at that time and in
21 some places around just some logistical
22 situations that had to take place, but no
23 intellectual contribution at all.

24 Q. It says, "Neither any Monsanto
25 Company employee or any attorneys reviewed

1 MR. JOHNSTON: Objection.

2 Vague. Misstates the testimony and is
3 argumentative.

4 THE WITNESS: I'll answer
5 again: I wrote a draft introductory
6 chapter for possible use back at the
7 beginning, really, when the panel
8 concept was coming together. That --
9 and that -- the information that was
10 in there, again, was historical. It
11 had nothing to do with the panel
12 deliberations. Didn't even deal with
13 the data at all because, again, it was
14 historical.

15 Subsequently it was -- like I
16 said in the previous -- my previous
17 response, you know, moving forward and
18 getting later in time, the journal
19 editor didn't think it was even
20 appropriate to have the chapter, so he
21 had Ashley extract what would be
22 relevant historical information to
23 include in that publication, and
24 that's what Ashley did.

25

1 A. That is correct.

2 Q. And Donna Farmer sends that
3 report, draft report, to you, right?

4 A. She forwarded it to me, yes,
5 that is correct.

6 Q. Did you read it?

7 A. I'm sure I opened it up and
8 took a look at it, yes.

9 Q. Okay. Now, Monsanto sent this
10 Intertek report to the Environmental
11 Protection Agency, right?

12 MR. JOHNSTON: Objection.
13 Foundation.

14 THE WITNESS: I would have
15 to -- that would not be mine to do, so
16 I'm not sure. It's possible.

17 QUESTIONS BY MR. MILLER:

18 Q. Well, if Monsanto sent it to
19 the EPA as the work of independent
20 scientists, would that be a true statement?

21 MR. JOHNSTON: Objection.
22 Foundation. Compound. Calls for a
23 hypothetical.

24 THE WITNESS: So my answer
25 would be yes. Again, what we have

1 been going through is you are showing
2 records that the expert panel work
3 product came my direction.

4 But I will say it again: Other
5 than the historical information that
6 we've already discussed and the
7 suggested edits on somebody else's
8 edits, which I have no idea what
9 Ashley actually did with them, other
10 than that, this is the expert panel's
11 conclusions.

12 What's really important about
13 these five papers and their work
14 product is that they reviewed the
15 data, they came to their conclusions,
16 and it's their conclusions and it's
17 their document.

18 So the fact that these
19 documents at some point in time may
20 have come to me or did come to me have
21 nothing to do with what they concluded
22 and the validity of their evaluation.

23 QUESTIONS BY MR. MILLER:

24 Q. Well, what's really important
25 about the IARC review is 17 independent

CERTIFICATE

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3 I, CARRIE A. CAMPBELL, Registered
4 Diplomat Reporter, Certified Realtime
5 Reporter and Certified Shorthand Reporter, do
6 hereby certify that prior to the commencement
7 of the examination, William F. Heydens, Ph.D.
8 was duly sworn by me to testify to the truth,
9 the whole truth and nothing but the truth.

10 I DO FURTHER CERTIFY that the
11 foregoing is a verbatim transcript of the
12 testimony as taken stenographically by and
13 before me at the time, place and on the date
14 hereinbefore set forth, to the best of my
15 ability.

16 I DO FURTHER CERTIFY that I am
17 neither a relative nor employee nor attorney
18 nor counsel of any of the parties to this
19 action, and that I am neither a relative nor
20 employee of such attorney or counsel, and
21 that I am not financially interested in the
22 action.

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26 CARRIE A. CAMPBELL,
27 NCRA Registered Diplomat Reporter
28 Certified Realtime Reporter
29 California Certified Shorthand
30 Reporter #13921
31 Missouri Certified Court Reporter #859
32 Illinois Certified Shorthand Reporter
33 #084-004229
34 Texas Certified Shorthand Reporter #9328
35 Kansas Certified Court Reporter #1715
36 Notary Public
37 Dated: February 3, 2017