

EXHIBIT 9

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF MARK A. MARTENS, Ph.D.

WASHINGTON, D.C.

FRIDAY, APRIL 7, 2017

9:23 A.M.

Reported by: Leslie A. Todd

1 Q Okay. And those --

2 MR. GRIFFIS: Excuse me. Objection. Two
3 of those are non-recommendations.

4 MS. WAGSTAFF: Okay.

5 MR. GRIFFIS: G and H.

6 BY MS. WAGSTAFF:

7 Q So he gives you a handful of
8 recommendations of actions to take to answer those
9 questions, correct?

10 A Well, there are a couple of points
11 whereby he does not recommend something.

12 Q Okay.

13 A Yeah.

14 Q So that's I think what your counsel was
15 just saying is that -- so let's make this a little
16 bit cleaner.

17 Dr. Parry gave a list of eight questions
18 that were left unanswered, correct?

19 A That he would like to see answered, yes.

20 Q Okay. And as a scientist, you would have
21 liked to see those answered as well, correct?

22 A These were genuine questions, yes.

23 Q Yeah. Good questions, right?

24 A These were good questions, yes.

25 Q Okay. And he provided with a list of

1 actions that Monsanto could take to answer those
2 questions, correct?

3 A Yes.

4 Q Okay. And we've gone over a few of
5 those.

6 So then Dr. Parry says at the very end of
7 his recommendations: "My overall view is that if
8 there is -- my overall view is that if the reported
9 genotoxicity of glyphosate and glyphosate
10 formulations can be shown to be due to the production
11 of oxidative damage, then a case could be made that
12 any genetic damage would be threshold."

13 Did I read that correctly?

14 A You read it, yes.

15 Q Okay. "Such genetic damage would only be
16 biologically relevant under conditions of compromised
17 anti -- antioxidant status. If such an oxidative
18 damage mechanism is proved, then it may be necessary
19 to consider the possibility of the susceptible groups
20 within the human population."

21 Did I read that correctly?

22 A You read that correctly, yes.

23 Q Okay. So there is an expert telling
24 Monsanto in 1999 to do tests that may affect the
25 human population, correct?

1 MR. GRIFFIS: Objection.

2 Mischaracterizes the document.

3 THE WITNESS: This is a little bit an
4 expanded conclusion. You know, he is more or less
5 asking himself the question. If that might be true,
6 then there may be susceptible groups in a population
7 that might be more susceptible in producing an
8 effect. But he forgets to say those effects have
9 been, you know, obtained through intraperitoneal
10 injection, whereas the human exposure is not via
11 intraperitoneal injection. And that's a very
12 important nuance.

13 BY MS. WAGSTAFF:

14 Q So I don't -- how do you know he forgot
15 to say that?

16 A I don't know why he didn't point it out.
17 That's why --

18 Q But he didn't point it out, did he?

19 A Intra -- well, that is limited to
20 intraperitoneal injection. Not sufficiently --

21 Q So you may -- you may not agree with
22 what Dr. Parry wrote, but I'm not asking you to
23 rewrite his report.

24 I'm asking you in 1999, Dr. Parry wrote
25 to Monsanto and -- and did an analysis, gave

1 questions unanswered, right?

2 A Yes.

3 Q Proposed actions that could be taken,
4 right?

5 A Yes.

6 Q And then stated that the over -- his
7 overall view is that these tests and answers need to
8 be taken, right?

9 A Yes.

10 Q And then you need to figure out what --
11 what group within the human population may be
12 affected, correct?

13 MR. GRIFFIS: Objection. It doesn't say
14 that.

15 THE WITNESS: That -- that is what he
16 said.

17 MS. WAGSTAFF: Okay.

18 THE WITNESS: But I don't agree with what
19 he said because --

20 BY MS. WAGSTAFF:

21 Q That's -- you can -- that's fine if you
22 don't agree with what he said. I'm just -- that's
23 what he told Monsanto, correct?

24 A That's what he told Monsanto, yes.

25 Q Okay. All right. I have -- we're done