

# Murphey, Samuel 2010-01-22 Final Played in Court

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Murphey, Samuel 01-22-2019

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Total Time 00:30:46



Page/Line	Source	ID
10:19 - 10:24	<b>Murphey, Samuel 01-22-2019 (00:00:13)</b> 10:19 The court reporter is Leslie A. Todd, 10:20 who will now administer the oath. 10:21 WHEREUPON, 10:22 SAMUEL MURPHEY, 10:23 having first been duly sworn, was 10:24 examined and testified as follows:	Murphey.1
11:16 - 11:19	<b>Murphey, Samuel 01-22-2019 (00:00:03)</b> 11:16 Q. Good morning, Mr. Murphey. How are you 11:17 doing? 11:18 A. Good morning. I'm doing fine, thank 11:19 you.	Murphey.2
12:19 - 13:3	<b>Murphey, Samuel 01-22-2019 (00:00:15)</b> 12:19 You understand that you've been 12:20 proffered here as a witness to testify on behalf 12:21 of the Monsanto Corporation, correct? 12:22 A. I do. 12:23 Q. Okay. And you are currently an employee 12:24 of the Monsanto Corporation, right? 12:25 A. Yes, Monsanto, and now Bayer. 13:1 Q. Bayer. So you are technically an 13:2 employee of Bayer now, right? 13:3 A. I am.	Murphey.3
15:17 - 15:19	<b>Murphey, Samuel 01-22-2019 (00:00:06)</b> 15:17 Q. All right. How long have you been an 15:18 employee of the Monsanto Corporation, Mr. Murphey? 15:19 A. Since January of 2013.	Murphey.4
16:14 - 16:14	<b>Murphey, Samuel 01-22-2019 (00:00:00)</b> 16:14 Q. Correct? Okay.	Murphey.5
16:14 - 16:14	<b>Murphey, Samuel 01-22-2019 (00:00:00)</b> 16:14 Q. I would like to mark	Murphey.6 MS2.1
16:14 - 16:15	<b>Murphey, Samuel 01-22-2019 (00:00:00)</b> 16:14 Q. 16:15 Exhibit	Murphey.7
16:15 - 16:15	<b>Murphey, Samuel 01-22-2019 (00:00:01)</b> 16:15 No. 2 to your deposition.	Murphey.8
16:19 - 16:21	<b>Murphey, Samuel 01-22-2019 (00:00:08)</b> 16:19 Q. And this is what appears to be your 16:20 LinkedIn page, correct, sir? 16:21 A. Yes, that's right.	Murphey.9 MS2.1.1

Page/Line	Source	ID
19:20 - 20:14	<p><b>Murphey, Samuel 01-22-2019 (00:00:37)</b></p> <p>19:20 Q. If I could stop right there. Do you  19:21 have any background in the sciences?  19:22 A. No, sir. My degree is in communication  19:23 and journalism.  19:24 Q. You don't have any independent knowledge  19:25 of chemistry, correct?  20:1 A. No. My knowledge of the science behind  20:2 our products would come from my conversations with  20:3 Monsanto scientists.  20:4 Q. So you would defer to your Monsanto  20:5 colleagues -- by the Monsanto colleagues, when it  20:6 comes to scientific issues pertaining to the  20:7 product, correct?  20:8 A. That's correct.  20:9 Q. Would those -- would the individuals  20:10 that you would defer to include people like  20:11 Dr. Donna Farmer?  20:12 A. Yes.  20:13 Q. And people like Dr. Bill Heydens?  20:14 A. Yes.</p>	<p><b>Murphey.10</b></p> <p>MS2.2.1</p>
23:3 - 23:7	<p><b>Murphey, Samuel 01-22-2019 (00:00:13)</b></p> <p>23:3 Q. And it says, "direct global media  23:4 relations." Is it fair to say that the judgment  23:5 that you exercise in your position at the Monsanto  23:6 Company helped direct corporate policy in the  23:7 areas identified in your LinkedIn profile?</p>	<p><b>Murphey.11</b></p> <p>MS2.1.2</p>
23:25 - 24:13	<p><b>Murphey, Samuel 01-22-2019 (00:00:40)</b></p> <p>23:25 THE WITNESS: My -- my responsibilities  24:1 would have included working with our team to  24:2 determine how best to receive inquiries coming in  24:3 from reporters, to work with our scientists to  24:4 develop those responses, our proactive strategies  24:5 around reaching out to reporters. And, yes, I  24:6 would have had -- I would have provided direction  24:7 over those activities.  24:8 BY MR. ESFANDIARY:  24:9 Q. And that would have eventually shaped  24:10 Monsanto corporate policy with respect to the  24:11 media outreach and the global media relations that</p>	<p><b>Murphey.12</b></p>

Page/Line	Source	ID
24:15 - 24:20	<p>24:12 the Monsanto Company engaged in with respect to 24:13 the Roundup litigation, correct? <b>Murphey, Samuel 01-22-2019 (00:00:10)</b> 24:15 THE WITNESS: I'm -- I'm struggling to 24:16 understand exactly what you mean, again, by 24:17 "shaping the corporate policy." But, yes, I 24:18 did -- I did direct and provide leadership for 24:19 those activities. 24:20 BY MR. ESFANDIARY:</p>	Murphey.13
28:5 - 28:11	<p><b>Murphey, Samuel 01-22-2019 (00:00:12)</b> 28:5 Please tell the jury who Mr. Scott 28:6 Partridge is, sir. 28:7 A. Mr. Partridge was the vice president of 28:8 strategy at Monsanto Company. 28:9 Q. Was? 28:10 A. He is now the general counsel for Bayer 28:11 in North America.</p>	clear Murphey.14
38:4 - 38:8	<p><b>Murphey, Samuel 01-22-2019 (00:00:13)</b> 38:4 You're familiar with IARC, correct, sir? 38:5 A. Yes, I am. 38:6 Q. And do you know how long IARC has been 38:7 around for? 38:8 A. My understanding is 50 or so years.</p>	Murphey.15
72:10 - 72:14	<p><b>Murphey, Samuel 01-22-2019 (00:00:11)</b> 72:10 Your -- a large part of your 72:11 responsibilities at Monsanto involved media 72:12 response to the 2015 IARC classification of 72:13 glyphosate, correct? 72:14 A. Yes.</p>	Murphey.16
72:24 - 72:25	<p><b>Murphey, Samuel 01-22-2019 (00:00:05)</b> 72:24 Q. I'd like to go back to early 2015, 72:25 before IARC had classified glyphosate.</p>	Murphey.17
73:24 - 73:25	<p><b>Murphey, Samuel 01-22-2019 (00:00:02)</b> 73:24 Q. There you are, sir. That's Exhibit 73:25 No. 7 to your deposition.</p>	Murphey.18 MS7.1
74:4 - 74:10	<p><b>Murphey, Samuel 01-22-2019 (00:00:21)</b> 74:4 Q. And this is an e-mail with an 74:5 accompanying attachment sent by Kimberly Link to 74:6 JD Dobson, on February 27, 2015. 74:7 That's about, oh, less than a month or</p>	Murphey.19 MS7.1.1

Page/Line	Source	ID
77:11 - 77:19	<p>74:8 so before the IARC announced its classification, 74:9 correct? 74:10 A. Yes. If you would give me just a <b>Murphey, Samuel 01-22-2019 (00:00:22)</b></p> <p>77:11 Q. And on the first page of this document, 77:12 Ms. Link says, "I just spoke with Kelly. Here is 77:13 our final draft plan." Do you see that? 77:14 A. I do. 77:15 Q. And attached is the final draft plan. 77:16 If you turn to the first page of the attachment, 77:17 it is titled Monsanto Response Plan to IARC 77:18 Decision, correct? 77:19 A. Yes.</p>	<p>Murphey.20</p> <p>MS7.1.2</p> <p>MS7.2.3</p>
79:18 - 80:1	<p><b>Murphey, Samuel 01-22-2019 (00:00:31)</b></p> <p>79:18 Q. And if you turn to the next page of the 79:19 attachment there, under subsection social/digital, 79:20 three paragraphs down, it says, "Monsanto, as a 79:21 leading manufacturer of glyphosate, as a company 79:22 with reputation challenges, will have a very 79:23 limited credibility when speaking on the topic of 79:24 glyphosate safety." 79:25 Do you see that, sir?</p>	<p>Murphey.21</p> <p>MS7.3</p> <p>MS7.3.1</p>
80:24 - 81:5	<p>80:1 A. I do see that written there. <b>Murphey, Samuel 01-22-2019 (00:00:14)</b></p> <p>80:24 Q. Ms. Link says that Monsanto "will have 80:25 very limited credibility when speaking on the 81:1 topic of glyphosate safety," correct? 81:2 A. That is what she or someone appears to 81:3 have written there. 81:4 Q. What are some of the reputation 81:5 challenges facing Monsanto?</p>	<p>Murphey.22</p>
81:8 - 81:22	<p><b>Murphey, Samuel 01-22-2019 (00:00:47)</b></p> <p>81:8 THE WITNESS: I think, you know, in the 81:9 current social climate, people have a fair number 81:10 of questions about where their food comes, and how 81:11 it's produced. And in that context, things like 81:12 genetically modified organisms, or you know, 81:13 modified genetically seeds, in the case of our 81:14 company, have evoked a lot of questions and 81:15 emotional responses from people.</p>	<p>Murphey.23</p>

Page/Line

Source

ID

81:16 And for quite a while, I think Monsanto  
81:17 did not do enough to engage in those conversation,  
81:18 and to help people understand the importance and  
81:19 the benefits and the safety of those -- of those  
81:20 technologies. And I think that, over time,  
81:21 created a reputational challenge that Monsanto was  
81:22 working to address.

83:19 - 84:3

**Murphey, Samuel 01-22-2019 (00:00:26)**

Murphey.24

83:19 Q. Take a look at the first page of the  
83:20 attachment there, under the main heading. It  
83:21 says, "On mainstream media, social media, and  
83:22 employee communications, we recommend an approach  
83:23 that seeks to include Monsanto's voice in the  
83:24 conversation about IARC and glyphosate, but as  
83:25 much as possible, defer to other positive voices  
84:1 from industry, academia, and elsewhere."  
84:2 Do you see that, sir?

MS7.2.1

84:3 A. I do see that.

85:1 - 85:3

**Murphey, Samuel 01-22-2019 (00:00:06)**

Murphey.25

85:1 Q. Ms. Link says that Monsanto should be  
85:2 deferring to these third parties as much as  
85:3 possible, correct?

85:6 - 85:13

**Murphey, Samuel 01-22-2019 (00:00:18)**

Murphey.26

85:6 THE WITNESS: That's -- that's what's  
85:7 written in - in this particular document.  
85:8 BY MR. ESFANDIARY:

85:9 Q. So Monsanto's -- part of Monsanto's  
85:10 plan, in responding to IARC, was to get its  
85:11 messages -- get Monsanto's messages regarding the  
85:12 IARC classification out there, but ideally, at an  
85:13 arm's-length from Monsanto, correct?

85:15 - 86:6

**Murphey, Samuel 01-22-2019 (00:00:53)**

Murphey.27

85:15 THE WITNESS: That's what's written  
85:16 in -- you know, in this document, as much as -- as  
85:17 much as possible. This -- this document is a  
85:18 reflection of the view -- views of one plan at one  
85:19 point in time.

85:20 As we moved forward, after the IARC  
85:21 classification, again, we were very forthright in  
85:22 engaging with agriculture groups, engaging with

Page/Line

Source

ID

85:23 reporters, engaging on social media, to share --  
 85:24 to share the company's views. We -- you know, we  
 85:25 kept our -- we kept agriculture groups and others  
 86:1 informed. We were pleased that many of them  
 86:2 continued to speak out as well about what they saw  
 86:3 as an inaccurate classification. But Monsanto was  
 86:4 always very, again, I'll just -- very forthright  
 86:5 in sharing our views about the classification.  
 86:6

86:11 - 86:19

**Murphey, Samuel 01-22-2019 (00:00:21)**

Murphey.28

86:11 I'd just like to turn your attention to  
 86:12 Ms. Link's second sentence there. She says, "Best  
 86:13 case scenario is that these other voices take on  
 86:14 the bulk of the communication about IARC and  
 86:15 glyphosate."  
 86:16 So Monsanto's ultimate goal was to  
 86:17 ensure that the majority of its messaging  
 86:18 regarding IARC was issued through the third  
 86:19 parties, correct?

86:22 - 86:24

**Murphey, Samuel 01-22-2019 (00:00:03)**

Murphey.29

86:22 THE WITNESS: Again, that's what's  
 86:23 written in one plan at one point in time.  
 86:24 BY MR. ESFANDIARY:

88:1 - 88:6

**Murphey, Samuel 01-22-2019 (00:00:12)**

Murphey.30

88:1 BY MR. ESFANDIARY:  
 88:2 Q. Now, at the time of generating this  
 88:3 response plan, Monsanto had not yet read the IARC  
 88:4 monograph on glyphosate, correct?  
 88:5 A. That's correct. And that's why you'll  
 88:6 see multiple scenarios in the -- in the document.

90:14 - 90:20

**Murphey, Samuel 01-22-2019 (00:00:18)**

Murphey.31

90:14 Q. In the paragraph -- the second paragraph  
 90:15 down from the top, "GMO answers and  
 90:16 Discover.Monsanto.com," it says, "Canned text  
 90:17 responses should be developed in advance for  
 90:18 responding to questions specifically about IARC's  
 90:19 ruling." Do you see that, sir?

91:9 - 92:2

**Murphey, Samuel 01-22-2019 (00:00:50)**

Murphey.32

91:9 BY MR. ESFANDIARY:



Page/Line

Source

ID

91:10 Q. A canned response, though, is a type of  
91:11 response that you would give to questions,  
91:12 regardless of what the question is seeking to --  
91:13 seeking an answer to, correct? You're giving the  
91:14 same response?

91:15 A. That's not my understanding of the word  
91:16 in this -- in this context.

91:17 Again, here, this is a preparedness

clear

91:18 plan, talking about different -- different

91:19 channels that would be used at the time the

91:20 opinion came out. And so I think, in this case,

91:21 "canned" would mean more like a draft or

91:22 preprepared.

91:23 Q. It doesn't say "draft," though, does it?

91:24 It says "canned."

91:25 A. And I'm just -- I'm explaining to you my

92:1 understanding, based on the context in this

92:2 document, of what that word would mean.

92:12 - 92:14

**Murphey, Samuel 01-22-2019 (00:00:04)**

Murphey.33

92:12 BY MR. ESFANDIARY:

92:13 Q. Was it Monsanto's intention to

92:14 orchestrate an outcry with the IARC decision?

92:17 - 92:24

**Murphey, Samuel 01-22-2019 (00:00:23)**

Murphey.34

92:17 THE WITNESS: No, that's not how I would

92:18 characterize what our approach was at the time. I

92:19 would say our approach would have been to inform

92:20 stakeholders, to share information with them, to

92:21 invite them, and encourage them even to speak out.

92:22 I'm aware that that characterization has

92:23 been used in certain documents, but it's not how I

92:24 would characterize our approach.

93:3 - 93:5

**Murphey, Samuel 01-22-2019 (00:00:12)**

Murphey.35

93:3 Q. I'm going to mark as Exhibit No. 8 to

93:4 your deposition a series of e-mails between

MS8.1

93:5 Monsanto employees.

93:23 - 93:23

**Murphey, Samuel 01-22-2019 (00:00:00)**

Murphey.36

93:23 Q. And it's from Mr. Donna -- excuse me,

93:24 - 94:3

**Murphey, Samuel 01-22-2019 (00:00:13)**

Murphey.37

93:24 Dr. Donna Farmer to various Monsanto employees,

MS8.1.1

93:25 including Ms. Kimberly Link. And it's dated



Page/Line

Source

ID

94:7 - 94:15	<p>94:1 February 24th, 2015. And again, that's before the  94:2 IARC's classification has been announced, correct,  94:3 sir?</p> <p><b>Murphey, Samuel 01-22-2019 (00:00:19)</b></p> <p>94:7 A. Yes, but it was -- the plan -- the plan  94:8 was developed by people in corporate engagement,  94:9 and sent out for review. And then, yes, the top  94:10 e-mail here is from Donna Farmer back to that  94:11 group with what appear to be her edits on the  94:12 document.  94:13 Q. And the subject is IARC Outreach,  94:14 correct?  94:15 A. Yes.</p>	Murphey.38
95:3 - 95:8	<p><b>Murphey, Samuel 01-22-2019 (00:00:24)</b></p> <p>95:3 Q. If you look -- turn to page ending in  95:4 Bates 927. And you look at the bottom -- this  95:5 section is titled Preparedness and Engagement Plan  95:6 for IARC Carcinogen Rating of Glyphosate. And at  95:7 the bottom, it says, "Post-IARC. Orchestrate  95:8 outcry with IARC decision, March 10, 2015."</p>	Murphey.39 MS8.8  MS8.8.1
95:11 - 95:15	<p><b>Murphey, Samuel 01-22-2019 (00:00:14)</b></p> <p>95:11 Q. So before Monsanto knows what  95:12 IARC's classification would be, Monsanto's  95:13 intention was to orchestrate an outcry, should the  95:14 classification be adverse to Monsanto's Roundup  95:15 image, correct?</p>	Murphey.40
95:18 - 96:11	<p><b>Murphey, Samuel 01-22-2019 (00:01:07)</b></p> <p>95:18 THE WITNESS: No, I think the words that  95:19 are written here are not how I would accurately  95:20 characterize Monsanto's engagement after the IARC  95:21 opinion came out. Certainly, you know, we -- we  95:22 felt very strongly that the IARC opinion was and  95:23 is incorrect. I think we've been very forthright  95:24 in how we have explained that -- our views on  95:25 the -- on that opinion and the science.  96:1 I think our engagement with third  96:2 parties has focused on sharing information with  96:3 them, and asking them to weigh in on the science  96:4 as well, but I would not characterize that as  96:5 orchestrating outcry.</p>	Murphey.41

Page/Line	Source	ID
	96:6 BY MR. ESFANDIARY:	clear
	96:7 Q. Yet this plan, no one at Monsanto, out	
	96:8 of this several dozen or so people that looked at	
	96:9 this plan, no one thought, hey, let's not	
	96:10 orchestrate an outcry, let's not characterize it	
	96:11 as orchestrating an outcry, correct?	
96:14 - 96:23	<b>Murphey, Samuel 01-22-2019 (00:00:24)</b>	<b>Murphey.42</b>
	96:14 THE WITNESS: Yes, that's what is	
	96:15 written in the plan here. You know, I -- but I'm	
	96:16 telling you, having been involved in -- in our	
	96:17 response activities, I don't feel that	
	96:18 orchestrating outcry is an accurate reflection of	
	96:19 what we've done.	
	96:20 BY MR. ESFANDIARY:	
	96:21 Q. Well, did you share with your colleagues	
	96:22 at Monsanto that that's not an accurate reflection	
	96:23 of what you were doing?	
96:25 - 97:2	<b>Murphey, Samuel 01-22-2019 (00:00:06)</b>	<b>Murphey.43</b>
	96:25 THE WITNESS: If you go back and look at	
	97:1 the distribution on this -- on this plan, I'm not	
	97:2 a recipient of it.	
98:9 - 98:11	<b>Murphey, Samuel 01-22-2019 (00:00:03)</b>	<b>Murphey.44</b>
	98:9 BY MR. ESFANDIARY:	
	98:10 Q. And you held the lead position in	
	98:11 corporate engagement, correct?	
98:13 - 98:13	<b>Murphey, Samuel 01-22-2019 (00:00:00)</b>	<b>Murphey.45</b>
	98:13 THE WITNESS: Yes.	
98:15 - 98:18	<b>Murphey, Samuel 01-22-2019 (00:00:13)</b>	<b>Murphey.46</b>
	98:15 Q. And your testimony is that your Monsanto	
	98:16 colleagues did not share a IARC outreach	
	98:17 communication plan with you a month before the	
	98:18 classification occurred?	
98:21 - 98:21	<b>Murphey, Samuel 01-22-2019 (00:00:00)</b>	<b>Murphey.47</b>
	98:21 THE WITNESS: That's -- that's correct.	
105:1 - 105:12	<b>Murphey, Samuel 01-22-2019 (00:00:40)</b>	<b>Murphey.48</b>
	105:1 Q. Let's take a look at the row -- three	MS8.5
	105:2 rows down from the one we were just looking at, it	
	105:3 says, "Lead voice in 'who is IARC,' plus 2B	MS8.5.1
	105:4 outrage." And 2B outrage -- 2B is referring to	
	105:5 the IARC classification of 2B, a possible human	

Page/Line	Source	ID
105:15 - 106:1	<p>105:6 carcinogen, correct?  105:7 A. Yes, I believe that's what's meant in  105:8 this context.  105:9 Q. So Monsanto planned to create outrage  105:10 with respect to the decision, even if IARC had  105:11 classified glyphosate as a possible human  105:12 carcinogen?</p>	Murphey.49
106:4 - 106:14	<p><b>Murphey, Samuel 01-22-2019 (00:00:31)</b>  105:15 THE WITNESS: As I've explained, I think  105:16 what is -- what is meant in -- in this particular  105:17 column on the plan was that Monsanto colleagues  105:18 would be reaching out to industry associations and  105:19 other groups that care about -- that care about  105:20 glyphosate, care about the agricultural industry,  105:21 and providing information to them, so that if they  105:22 chose, they could speak out, and share their views  105:23 on the importance and the safety of -- or  105:24 glyphosate.  105:25 BY MR. ESFANDIARY:  106:1 Q. Speak out in outrage, correct?</p>	Murphey.50 clear
122:18 - 122:23	<p><b>Murphey, Samuel 01-22-2019 (00:00:28)</b>  106:4 THE WITNESS: No. Again, I think  106:5 outrage is not how I would accurately describe  106:6 that. I think they would speak out, you know, to  106:7 defend the value of glyphosate for their farming  106:8 operations, the important role that it plays in  106:9 making their farming operations more sustainable,  106:10 and their -- and their confidence in the safety of  106:11 the product. And I do think they would do that in  106:12 an emotional way, because glyphosate is very  106:13 important for them. But I don't think outrage is  106:14 the right way to characterize it.</p>	Murphey.51
123:1 - 123:9	<p><b>Murphey, Samuel 01-22-2019 (00:00:15)</b>  122:18 Q. So before IARC's decision, Monsanto's  122:19 employees are characterizing their efforts as  122:20 wanting to orchestrate an outcry, but after the  122:21 decision, and now in a lawsuit, you have a  122:22 different definition of what actually occurred,  122:23 correct?</p>	Murphey.52
123:1 - 123:9	<p><b>Murphey, Samuel 01-22-2019 (00:00:24)</b></p>	Murphey.52

Page/Line	Source	ID
123:12 - 123:17	<p>123:1 THE WITNESS: Yes, I've explained that  123:2 the -- the activities that have been undertaken  123:3 over the past few years have focused more on  123:4 providing balance, answering questions, sharing  123:5 information, discussing the science, and I would  123:6 not characterize those as orchestrating outcry.  123:7 BY MR. ESFANDIARY:  123:8 Q. Did Monsanto plan to invalidate the  123:9 relevance of the IARC classification?</p> <p><b>Murphey, Samuel 01-22-2019 (00:00:17)</b></p>	Murphey.53
124:15 - 124:16	<p>123:12 THE WITNESS: No, I'm -- I'm not sure  123:13 exactly what you mean with your phrasing there.  123:14 We certainly had questions that we raised about --  123:15 about the IARC opinion, because we thought that it  123:16 was incorrect and inconsistent with the  123:17 conclusions of regulators around the world.</p> <p><b>Murphey, Samuel 01-22-2019 (00:00:03)</b></p>	Murphey.54
125:10 - 125:13	<p>124:15 Now, this is a document produced by  124:16 Monsanto in this litigation.</p> <p><b>Murphey, Samuel 01-22-2019 (00:00:10)</b></p>	Murphey.55 MS9.1.5
125:16 - 125:19	<p>125:10 Q. Here it says, "goals." And number (d)  125:11 says, "Invalidate relevance of IARC." Do you see  125:12 that, sir?  125:13 A. I -- I do see it written there.</p> <p><b>Murphey, Samuel 01-22-2019 (00:00:12)</b></p>	Murphey.56
126:8 - 126:16	<p>125:16 Q. So in July of 2015, a couple of months  125:17 after IARC had announced its classification,  125:18 Monsanto's goal was to invalidate the relevance of  125:19 IARC, correct?</p> <p><b>Murphey, Samuel 01-22-2019 (00:00:27)</b></p>	Murphey.57
127:9 - 127:13	<p>126:8 THE WITNESS: So I see the point written  126:9 there. I think the context around it is  126:10 important, where it's talking about the  126:11 retraction -- you know, the need for retraction,  126:12 clarification, minimization, you know, preventing  126:13 future bad decisions on other -- on other  126:14 products. I think in that overarching context,  126:15 that helps clarify what -- you know, what the  126:16 author of the document was suggesting.</p> <p><b>Murphey, Samuel 01-22-2019 (00:00:10)</b></p>	Murphey.58

Page/Line	Source	ID
127:15 - 127:23	<p>127:9 Q. I understand that's the answer that 127:10 you're giving now. But internally, in July of 127:11 2015, Monsanto identifies as a goal, as the 127:12 company's goal, to invalidate the relevance of 127:13 IARC, correct?</p> <p><b>Murphey, Samuel 01-22-2019 (00:00:21)</b></p> <p>127:15 THE WITNESS: That is -- that is written 127:16 here, among several other points. 127:17 BY MR. ESFANDIARY: 127:18 Q. Including the one to retract the IARC 127:19 decision, correct? 127:20 A. Yes. 127:21 Q. Number 3 there at the bottom says, 127:22 "Litigation prevention/defense." Do you see that, 127:23 sir?</p>	<p>Murphey.59</p> <p>MS9.1.6</p>
128:3 - 128:5	<p><b>Murphey, Samuel 01-22-2019 (00:00:08)</b></p> <p>128:3 Q. Now, would -- did Monsanto believe that 128:4 invalidating the relevance of the IARC decision 128:5 would help with its litigation defense?</p>	Murphey.60
128:14 - 128:21	<p><b>Murphey, Samuel 01-22-2019 (00:00:27)</b></p> <p>128:14 THE WITNESS: I do think that, you know, 128:15 Monsanto was aware at the time that litigation 128:16 was -- was likely. And so I think that's why that 128:17 was listed as a goal -- as a goal there. 128:18 know, as to whether, you know, the work around 128:19 retraction and clarification would be important to 128:20 the litigation, I don't think I'm competent to 128:21 answer that.</p>	<p>Murphey.61</p> <p>clear</p>
134:16 - 134:19	<p><b>Murphey, Samuel 01-22-2019 (00:00:11)</b></p> <p>134:16 Q. Sir, this is an e-mail from Ms. Link 134:17 dated February 12th, 2015. It's about a month 134:18 before the IARC classification. The subject is, 134:19 Revised IARC Reactive Messaging.</p>	<p>Murphey.62</p> <p>MS10.1.1</p>
134:23 - 135:8	<p><b>Murphey, Samuel 01-22-2019 (00:00:31)</b></p> <p>134:23 Q. Okay. And Ms. Link says, "Attached 134:24 please find revised messaging for IARC." Do you 134:25 see that? 135:1 A. I do. 135:2 Q. And if you turn to the attachment 70 -- 135:3 ending in Bates number 709, draft, February 12th,</p>	<p>Murphey.63</p> <p>MS10.2.1</p>



Page/Line	Source	ID
135:13 - 135:20	<p>135:4 2015, "Glyphosate key talking points following  135:5 IARC's decision. This component represents the  135:6 orchestrated outcry that could occur following the  135:7 March 3 to 10th IARC monograph expert meeting."  135:8 Do you see that, sir?</p> <p><b>Murphey, Samuel 01-22-2019 (00:00:21)</b></p> <p>135:13 Yes, I -- I see the sentence you're  135:14 referring to.  135:15 BY MR. ESFANDIARY:  135:16 Q. So now we have two plans created leading  135:17 up to the IARC classification, where Monsanto  135:18 identifies its efforts in responding to the IARC  135:19 classification as entailing an orchestrated  135:20 outcry, correct?</p>	Murphey.64
135:23 - 136:16	<p><b>Murphey, Samuel 01-22-2019 (00:00:52)</b></p> <p>135:23 THE WITNESS: No, I think this -- this  135:24 document is really just a set of key talking  135:25 points that would be shared with various groups as  136:1 part of preparation for the IARC opinion to be  136:2 published. Then whether those groups actually  136:3 used any of these points, or issued any  136:4 communications, or responded to any inquiries  136:5 would be their decision to make.  136:6 BY MR. ESFANDIARY:  136:7 Q. I wasn't asking about those groups. I  136:8 was asking about Monsanto's plan, where it's  136:9 identified, this component represents the  136:10 orchestrated outcry that could follow -- that  136:11 "could occur following the March 3 to 10th IARC  136:12 monograph expert meeting."  136:13 And my question to you, sir, was, we've  136:14 now looked at two documents, where Monsanto  136:15 characterizes its efforts in responding to IARC as  136:16 creating an orchestrated outcry, correct?</p>	Murphey.65
136:20 - 137:7	<p><b>Murphey, Samuel 01-22-2019 (00:00:32)</b></p> <p>136:20 THE WITNESS: Yes, this is the second  136:21 document that uses those -- uses those particular  136:22 words. But again, I -- I think this is a set of  136:23 talking points, or actually, several sets of  136:24 talking points that would be provided to different</p>	<p>clear</p> <p>Murphey.66</p>



Page/Line	Source	ID
137:10 - 137:24	<p>136:25 groups for their review, and to use, whether they  137:1 chose to do so or not.  137:2 BY MR. ESFANDIARY:  137:3 Q. So we have employees in the Monsanto  137:4 Corporation using the term "orchestrated outcry"  137:5 to refer to the efforts across two documents, but  137:6 here today now, you're saying that that's not  137:7 actually what happened.</p>	Murphey.67
138:3 - 138:10	<p><b>Murphey, Samuel 01-22-2019 (00:00:40)</b>  137:10 THE WITNESS: No, what I'm -- what I  137:11 have explained in several responses now, is that  137:12 the -- the efforts that Monsanto undertook, after  137:13 the IARC opinion was published, involved, yes,  137:14 engagement with third parties to provide  137:15 information, share talking points, and other  137:16 resources. But then outreach to the media, to  137:17 ensure balance and accuracy, and the right context  137:18 and perspective on the science in -- in their  137:19 coverage of -- of our product.  137:20 BY MR. ESFANDIARY:  137:21 Q. Sir, you use words like "balance,"  137:22 "accuracy," so forth. I have not seen a single  137:23 one of the words that you identified in any  137:24 Monsanto plan that we have looked at today.</p>	Murphey.68
158:19 - 158:20	<p><b>Murphey, Samuel 01-22-2019 (00:00:25)</b>  138:3 Q. Correct?  138:4 A. In the -- in the ten or so documents  138:5 today, I don't recall seeing those specific --  138:6 those specific words, but I can tell you, when I  138:7 have conversations with my colleagues, we often  138:8 are discussing our goal to strive -- to strive for  138:9 balance in -- in reporting about our company and  138:10 about our products.</p>	Murphey.69 MS13.1
158:22 - 158:22	<p><b>Murphey, Samuel 01-22-2019 (00:00:02)</b>  158:19 Q. Mr. Murphey, here is Exhibit 13 to your  158:20 deposition.</p>	Murphey.70
158:22 - 159:1	<p><b>Murphey, Samuel 01-22-2019 (00:00:01)</b>  158:22 Q. This is an e-mail,  <b>Murphey, Samuel 01-22-2019 (00:00:13)</b>  158:22 Q. from</p>	Murphey.99

Page/Line	Source	ID
	158:23 Dan Goldstein dated March 3rd, 2015, regarding 158:24 draft Op Ed materials. Do you work with Dan 158:25 Goldstein?	MS13.1.1
159:20 - 159:24	159:1 A. I did work with Dr. Goldstein, yes. <b>Murphey, Samuel 01-22-2019 (00:00:15)</b>	Murphey.71
	159:20 Q. And Dr. Goldstein says, "I have written 159:21 five potential draft Op Eds for the medical 159:22 toxicologists to work from. This also includes a 159:23 general purpose couple of paragraphs on criticism 159:24 of IARC generally that can be grafted in to the	MS13.1.2
159:25 - 159:25	<b>Murphey, Samuel 01-22-2019 (00:00:01)</b> 159:25 other versions." Do you see that?	Murphey.72
160:1 - 160:1	<b>Murphey, Samuel 01-22-2019 (00:00:00)</b>	Murphey.73
160:7 - 160:21	160:1 A. I -- I do see that. <b>Murphey, Samuel 01-22-2019 (00:00:53)</b> 160:7 Q. So is this an example of the talking 160:8 points that Monsanto would have provided to third 160:9 parties to defend glyphosate in the media? 160:10 A. Yes, I mean, this appears to be some 160:11 information that Dr. Goldstein had assembled with 160:12 some message points. And that he was sharing it 160:13 with -- you know, what appears, by their e-mail 160:14 addresses, to be some other medical doctors and 160:15 scientists. And he explains in his -- you know, 160:16 in the e-mail, you know, this will give a good 160:17 starting point. And we can coordinate Op Ed 160:18 versions as -- as needed. You know, not -- even 160:19 below that, "not intended to tell you what to say, 160:20 just grist for the mill, to help you create what 160:21 you want to say."	Murphey.74
		clear
164:13 - 164:14	<b>Murphey, Samuel 01-22-2019 (00:00:03)</b> 164:13 Q. Has Monsanto allocated millions of 164:14 dollars to responding to the IARC classification?	Murphey.75
164:16 - 164:16	<b>Murphey, Samuel 01-22-2019 (00:00:01)</b> 164:16 THE WITNESS: Yes.	Murphey.76
164:17 - 164:19	<b>Murphey, Samuel 01-22-2019 (00:00:05)</b> 164:17 BY MR. ESFANDIARY: 164:18 Q. Do you know roughly how much Monsanto 164:19 allocated to it in 2016?	Murphey.77
164:21 - 165:1	<b>Murphey, Samuel 01-22-2019 (00:00:21)</b>	Murphey.78

Page/Line	Source	ID
165:13 - 165:17	<p>164:21 THE WITNESS: I can -- I can only speak  164:22 within the context of, you know, public affairs  164:23 activities, you know, things that I would have  164:24 been directly involved in. But in 2016, you know,  164:25 I believe for some of the projects I was involved  165:1 in, it was around 16 or 17 million.</p> <p><b>Murphey, Samuel 01-22-2019 (00:00:15)</b></p> <p>165:13 Q. So 16 to 17 million in 2016 on general  165:14 media relations pertaining to glyphosate, correct?  165:15 A. Media relations in multiple countries,  165:16 you know, where you have to deal with multiple  165:17 languages, digital media, and other activities.</p>	Murphey.79
201:16 - 201:20	<p><b>Murphey, Samuel 01-22-2019 (00:00:12)</b></p> <p>201:16 Now, part of your corporate engagement  201:17 responsibilities at Monsanto involved coordinating  201:18 the Let Nothing Go campaign, correct, sir?  201:19 A. Yes, I would say I was one of the people  201:20 on point for that effort.</p>	Murphey.80
203:14 - 203:15	<p><b>Murphey, Samuel 01-22-2019 (00:00:06)</b></p> <p>203:14 Q. Did the Let Nothing Go campaign involve  203:15 making Monsanto's opponents uncomfortable?</p>	Murphey.81
203:17 - 204:1	<p><b>Murphey, Samuel 01-22-2019 (00:00:31)</b></p> <p>203:17 THE WITNESS: No, I don't think that's  203:18 an accurate characterization. I think it was  203:19 the -- the effort was much more about realizing,  203:20 in the European context, there was a significant  203:21 amount of coverage on glyphosate, as we discussed  203:22 earlier. This renewal process was occurring.  203:23 Glyphosate was receiving a tremendous amount of  203:24 coverage in -- in the media. And this effort was  203:25 more focused on reaching out and trying to achieve  204:1 accuracy and balance in that reporting.</p>	Murphey.82
204:21 - 204:22	<p><b>Murphey, Samuel 01-22-2019 (00:00:06)</b></p> <p>204:21 Q. All righty. So I just handed you an  204:22 e-mail with an attachment. And it's -- the e-mail</p>	Murphey.83 MS16.1
205:17 - 206:6	<p><b>Murphey, Samuel 01-22-2019 (00:00:35)</b></p> <p>205:17 Q. And it's dated February 24th, 2014.  205:18 That's over a year before the IARC classification,  205:19 correct?  205:20 A. Yes. Yeah, February 24th, 2014.</p>	Murphey.84 MS16.1.1

Page/Line	Source	ID
	205:21 Q. Yes, sir. And if you look at the front 205:22 page of the e-mail, it says -- Mr. Dyrnes says, 205:23 "We agree that our challenges are twofold." Do 205:24 you see that?	MS16.1.2
	205:25 A. I see that.	
	206:1 Q. And he sends to it Mr. Richard Garnett, 206:2 correct?	
	206:3 A. Dr. Garnett.	
	206:4 Q. Dr. Garnett. And Dr. Garnett is based 206:5 in Europe, on behalf of Monsanto, correct?	
	206:6 A. He was at the time.	
206:12 - 206:13	<b>Murphey, Samuel 01-22-2019 (00:00:03)</b>	<b>Murphey.85</b>
	206:12 Q. If you turn, sir, to the PowerPoint 206:13 presentation,	MS16.7.2
206:17 - 206:19	<b>Murphey, Samuel 01-22-2019 (00:00:04)</b>	<b>Murphey.87</b>
	206:17 Q. It says, "Risk vs. Return." Do you see 206:18 that?	
	206:19 A. Yes.	
206:20 - 206:23	<b>Murphey, Samuel 01-22-2019 (00:00:10)</b>	<b>Murphey.88</b>
	206:20 Q. Is Monsanto's position that in 206:21 initiating efforts such as Let Nothing Go, there 206:22 was an inherent risk versus benefit calculation 206:23 entailed in those initiatives?	
207:4 - 207:6	<b>Murphey, Samuel 01-22-2019 (00:00:03)</b>	<b>Murphey.89</b>
	207:4 THE WITNESS: No, would be my answer -- 207:5 no.	
	207:6 BY MR. ESFANDIARY:	
207:13 - 207:13	<b>Murphey, Samuel 01-22-2019 (00:00:01)</b>	<b>Murphey.90</b>
	207:13 Q. And if you turn over the page, again, to	MS16.10.2
207:14 - 208:2	<b>Murphey, Samuel 01-22-2019 (00:00:38)</b>	<b>Murphey.100</b>
	207:14 it says, "All about winning the 207:15 argument." Do you see that?	
	207:16 A. I do. And then there are some different 207:17 colored blocks.	
	207:18 Q. Right. And then opposite that page, it 207:19 says, "To win the argument, we need to ... 207:20 "Actively tell our story; 207:21 "Build the right relationships; 207:22 "Let Nothing Go," and 207:23 "Discomfort our opposition."	MS16.11.1

Page/Line	Source	ID
	207:24 Do you see that, sir?	
	207:25 A. I do see that.	
	208:1 Q. So does the Let Nothing Go campaign	
	208:2 involve Monsanto discomfoting its opposition?	
208:12 - 208:19	<b>Murphey, Samuel 01-22-2019 (00:00:20)</b>	<b>Murphey.91</b>
	208:12 I don't think that is an accurate	
	208:13 characterization whatsoever.	
	208:14 And specifically to your question on Let	
	208:15 Nothing Go, no, Let Nothing Go, as I've described	
	208:16 it, was about engaging with the media, setting the	
	208:17 record straight on inaccurate stories. It was not	
	208:18 about, as it says here, discomfoting opposition.	
	208:19 BY MR. ESFANDIARY:	
209:12 - 209:15	<b>Murphey, Samuel 01-22-2019 (00:00:06)</b>	<b>Murphey.92</b>
	209:12 BY MR. ESFANDIARY:	
	209:13 Q. So do you have any reason to doubt that	
	209:14 Monsanto employees created this PowerPoint	
	209:15 presentation?	
209:18 - 210:2	<b>Murphey, Samuel 01-22-2019 (00:00:26)</b>	<b>Murphey.93</b>
	209:18 THE WITNESS: I -- all I can tell you	
	209:19 is, I'm not sure who created this, if this was a	
	209:20 Monsanto employee or someone at a public relations	
	209:21 agency. I don't know.	
	209:22 BY MR. ESFANDIARY:	
	209:23 Q. But you do know that Monsanto employees,	
	209:24 including Mr. Garnett, Vincent Basselier, and	MS16.1.3
	209:25 David Carpintero received this. And as Mr. Dyrnes	
	210:1 says, "agreed on the challenges facing Monsanto,"	
	210:2 correct?	
210:5 - 210:7	<b>Murphey, Samuel 01-22-2019 (00:00:06)</b>	<b>Murphey.94</b>
	210:5 THE WITNESS: I do see that it was -- it	
	210:6 was sent to -- yes, to a number of Monsanto	
	210:7 employees.	
210:16 - 211:11	<b>Murphey, Samuel 01-22-2019 (00:01:02)</b>	<b>Murphey.95</b>
	210:16 BY MR. ESFANDIARY:	
	210:17 Q. Do you believe that Monsanto's	
	210:18 communications with the world regarding IARC is	MS16.10.2
	210:19 all about winning the argument?	
	210:20 A. No. I think in -- in the context of our	
	210:21 engagement with the media and the public, it's as	



Page/Line

Source

ID

210:22 I've described it. It's about sharing context,  
 210:23 it's about seeking balance.  
 210:24 In -- in a market like -- like the  
 210:25 European Union, which we've been discussing here,  
 211:1 in particular, where there was so much inaccurate  
 211:2 information about our products in the media, it  
 211:3 was important for us to reach out, and engage, and  
 211:4 build relationships. And that was the focus of  
 211:5 the Let Nothing Go effort.

211:6 Q. Sir, the graphic in this PowerPoint  
 211:7 demonstrates a lack of balance, correct? It says,  
 211:8 "all about winning the argument." And you were  
 211:9 just testifying about Monsanto's desire to seek  
 211:10 balance in the conversation. It's just not what  
 211:11 happened inside of Monsanto, was it, sir?

211:14 - 211:18

**Murphey, Samuel 01-22-2019 (00:00:12)**

Murphey.96

211:14 THE WITNESS: I -- I really don't know  
 211:15 how to interpret this graphic. I think it's  
 211:16 extremely vague. And I just -- and I don't have  
 211:17 the context of how it was actually discussed or  
 211:18 presented in the room at the time.

387:10 - 387:20

**Murphey, Samuel 01-22-2019 (00:00:38)**

Murphey.97

387:10 Q. Was this deck even part of the Let  
 387:11 Nothing Go campaign or initiative, to your  
 387:12 knowledge?

clear

387:13 A. So in looking at the deck, and then the  
 387:14 e-mail on the top, this -- this particular  
 387:15 presentation appears to have been part of a  
 387:16 discussion that took place a year or so before we  
 387:17 began the Let Nothing Go effort in the European  
 387:18 Union. So I think this actually -- actually  
 387:19 predates our kind of initiation of the Let Nothing  
 387:20 Go effort.

388:4 - 389:16

**Murphey, Samuel 01-22-2019 (00:01:53)**

Murphey.98

388:4 Q. I believe you explained that in Europe,  
 388:5 there was a -- sort of a two-step process with  
 388:6 regard to renewal of glyphosate. Can you explain  
 388:7 that, please?

388:8 A. Yes, the process in the European Union  
 388:9 for the renewal of any pesticide product,



388:10 glyphosate is just one example, has -- has  
388:11 multiple phases. There's -- first, the -- the  
388:12 scientific work that has to be done by a  
388:13 Rapporteur member state. So in the case of  
388:14 glyphosate, that was Germany, and the BfR, the  
388:15 Germany Federal Institute for Risk Assessment.  
388:16 And then that is reviewed by the European Food  
388:17 Safety Authority. So that -- that is the  
388:18 scientific phase of the evaluation of the product.  
388:19 Once that is complete, there's a second  
388:20 phase, where representatives of the member states  
388:21 of the European Union come together in a standing  
388:22 committee, and they vote to actually reauthorize  
388:23 the active ingredient.  
388:24 Q. And to your knowledge, what have the  
388:25 regulators, the scientific bodies in Europe, said  
389:1 about the safety of glyphosate?  
389:2 A. My understanding is that the -- whether  
389:3 it's the Germany BfR, or the European Food Safety  
389:4 Authority, or subsequently, the European Chemicals  
389:5 Agency, which also conducted a review, have all  
389:6 found that glyphosate is -- is safe for use, and  
389:7 not carcinogenic.  
389:8 Q. And is it fair to say that, in your  
389:9 view, that was a decision or decisions that were  
389:10 based on the science, as opposed to public affairs  
389:11 work?  
389:12 A. That's correct. My -- my understanding  
389:13 is that those agencies are -- they're scientific  
389:14 bodies with -- with experts who are capable of --  
389:15 and charged with reviewing the robust regulatory  
389:16 studies that are submitted to them.

**Total Time = 00:30:46**

**Documents Shown**

MS10

Page/Line

Source

ID

MS13  
MS16  
MS2  
MS7  
MS8  
MS9