

EXHIBIT 3

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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IN RE: ROUNDUP PRODUCTS)

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LIABILITY LITIGATION)

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) MDL No. 2741

12

This document relates to:)

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) Case No. 16-md-02741-VC

14

Stevick v. Monsanto Co., et al.)

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Case No. 3:16-cv-2341-VC)

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VIDEOTAPED DEPOSITION OF ANDREI SHUSTOV, M.D.

22

23

December 16, 2018

24

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Seattle, Washington

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APPEARANCES

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Also present: Allison Borgida, videographer

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BE IT REMEMBERED that on Sunday,
 December 16, 2018, at 1900 Fifth Avenue, Seattle,
 Washington, at 2:35 p.m., before JOHN M.S. BOTELHO,
 Certified Court Reporter, appeared ANDREI SHUSTOV,
 M.D., the witness herein;

WHEREUPON, the following
 proceedings were had, to wit:

<<<<<<>>>>>>

(Exhibit Nos. 36 and 37
 marked for identification.)

THE VIDEOGRAPHER: We are on record
 at 2:35 p.m. on Sunday, December 16, 2018, in the
 matter of Stevick vs. Monsanto. The deponent today
 is Dr. Andrei Shustov.

Will counsel and -- counsel please identify
 themselves for the record, and then the court
 reporter may swear in the witness.

MR. WISNER: Brent Wisner on behalf
 of the deponent and the plaintiffs in this case.

MR. BRENZA: Lin Brenza with
 Bartlit Beck on behalf of Bayer.

MR. KERSCHNER: David Kerschner

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EXAMINATION INDEX

EXAMINATION BY:	PAGE NO.
Mr. Brenza	6
Mr. Wisner	80

EXHIBIT INDEX

EXHIBIT NO.	DESCRIPTION	PAGE NO.
Exhibit No. 36	Monsanto Company's Notice to Take Oral and Videotaped Deposition of Dr. Andrei Shustov.	4
Exhibit No. 37	Expert Report of Dr. Andrei R. Shustov.	4
Exhibit No. 38	Expert Report of Dr. Chadi Nabhan.	18
Exhibit No. 39	Clinical Summary for Elaine M. Stevick dated 9/6/2018. Labeled Confidential-Stevick-EStevick -KPNValley-MD-000010.	56
Exhibit No. 40	Decision/Reason, dated 7/14/2016. Labeled Confidential-Stevick-EStevick -PPR-000158.	60
Exhibit No. 41	Office visit for Elaine M. Stevick dated 8/2/2018. Labeled Confidential-Stevick-EStevick -KPNValley-MD-005067.	62

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from Arnold & Porter on behalf of Monsanto.

MR. LEVINE: Aaron Levine from
 Arnold & Porter on behalf of Monsanto.

MR. WISNER: Technically Bayer is
 not a party to this case.

MR. BRENZA: I don't know.

MR. WISNER: Okay.

MR. BRENZA: I'll be on behalf of
 Monsanto if you want me to be.

MR. WISNER: Okay.

MR. BRENZA: So -- I'm sorry. Go
 ahead.

ANDREI SHUSTOV, M.D., having been first duly sworn
 by the Certified Court
 Reporter, deposed and
 testified as follows:

MR. WISNER: Before you begin, sir,
 just the same objections as last time. He's being
 offered for a specific cause only, not general cause,
 and this is related specifically to Mrs. Stevick's
 case.

////

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Response	Percentage
Yes	100%
No	0%

Response	Percentage
U.S. should take action to address climate change	95%
U.S. should take strong action to address climate change	90%
U.S. should take moderate action to address climate change	5%
U.S. should not take action to address climate change	5%

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Question	Percentage of 'Yes' Responses
1. Are you a member of a religious organization?	95%
2. Do you believe in God?	85%
3. Do you believe in the Bible?	95%
4. Do you believe in the resurrection of the dead?	90%
5. Do you believe in the Last Judgment?	95%
6. Do you believe in the Virgin Mary?	85%
7. Do you believe in the saints?	90%
8. Do you believe in the angels?	85%
9. Do you believe in the Devil?	90%
10. Do you believe in the soul?	85%
11. Do you believe in the resurrection of the body?	90%
12. Do you believe in the resurrection of the soul?	85%
13. Do you believe in the resurrection of the world?	85%
14. Do you believe in the resurrection of the universe?	85%
15. Do you believe in the resurrection of the human race?	85%
16. Do you believe in the resurrection of the world?	85%
17. Do you believe in the resurrection of the universe?	85%
18. Do you believe in the resurrection of the human race?	85%
19. Do you believe in the resurrection of the world?	85%
20. Do you believe in the resurrection of the universe?	85%
21. Do you believe in the resurrection of the human race?	85%
22. Do you believe in the resurrection of the world?	85%
23. Do you believe in the resurrection of the universe?	85%
24. Do you believe in the resurrection of the human race?	85%
25. Do you believe in the resurrection of the world?	85%
26. Do you believe in the resurrection of the universe?	85%
27. Do you believe in the resurrection of the human race?	85%
28. Do you believe in the resurrection of the world?	85%
29. Do you believe in the resurrection of the universe?	85%
30. Do you believe in the resurrection of the human race?	85%
31. Do you believe in the resurrection of the world?	85%
32. Do you believe in the resurrection of the universe?	85%
33. Do you believe in the resurrection of the human race?	85%
34. Do you believe in the resurrection of the world?	85%
35. Do you believe in the resurrection of the universe?	85%
36. Do you believe in the resurrection of the human race?	85%
37. Do you believe in the resurrection of the world?	85%
38. Do you believe in the resurrection of the universe?	85%
39. Do you believe in the resurrection of the human race?	85%
40. Do you believe in the resurrection of the world?	85%
41. Do you believe in the resurrection of the universe?	85%
42. Do you believe in the resurrection of the human race?	85%
43. Do you believe in the resurrection of the world?	85%
44. Do you believe in the resurrection of the universe?	85%
45. Do you believe in the resurrection of the human race?	85%
46. Do you believe in the resurrection of the world?	85%
47. Do you believe in the resurrection of the universe?	85%
48. Do you believe in the resurrection of the human race?	85%
49. Do you believe in the resurrection of the world?	85%
50. Do you believe in the resurrection of the universe?	85%

Question	Percentage of 'Yes' Answers
1. Are you a member of a religious organization?	~95%
2. Do you believe in God?	~85%
3. Do you believe in the Bible?	~90%
4. Do you believe in the resurrection of the dead?	~88%
5. Do you believe in the Last Judgment?	~92%
6. Do you believe in the Virgin Mary?	~75%
7. Do you believe in the saints?	~90%
8. Do you believe in the angels?	~80%
9. Do you believe in the Devil?	~92%
10. Do you believe in the soul?	~55%
11. Do you believe in the resurrection of the dead?	~90%
12. Do you believe in the Last Judgment?	~92%
13. Do you believe in the Virgin Mary?	~90%
14. Do you believe in the saints?	~88%
15. Do you believe in the angels?	~80%
16. Do you believe in the Devil?	~90%
17. Do you believe in the soul?	~75%
18. Do you believe in the resurrection of the dead?	~90%
19. Do you believe in the Last Judgment?	~92%
20. Do you believe in the Virgin Mary?	~88%

16 Q We'll get back to your report in a minute. I just
17 want to just deal with some of the other housekeeping
18 items.
19 I've handed you your deposition notice for this
20 deposition, marked as Exhibit 36. Do you see that?
21 A It is notice of deposition. Is that what you're
22 asking?
23 Q Yes.
24 A Yeah.
25 Q And have you had a chance to look at that before the

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1 deposition?

2 A I did.

3 Q And I'll ask you the same questions. Have you

4 provided all the documents to your counsel that are

5 responsive to the documents requested in this notice?

6 MR. WISNER: Objection. Answer

7 that question to the extent that doesn't disclose

8 privileged communications with counsel.

9 THE WITNESS: To the best of my

10 ability, yes.

11 Q (By Mr. Brenza) And like the -- well, let me strike

12 that.

13 Was the list of materials that you relied on the

14 same list that we've previously marked in depositions

15 that we've taken today and yesterday? Do you need me

16 to --

17 A Can I verify?

18 Q Yeah. It's going to be in --

19 A Exhibit 4.

20 Q -- that stack. It's Exhibit 4.

21 A It's for previous case or for...?

22 Q It's a previ -- we marked it previously, so I'm --

23 A Is it --

24 Q -- asking if we need to remark another copy or if

25 it's the same exact copy and we'll just -- you can

Page 15

1 just say that.

2 MR. WISNER: Are the medical

3 records listed on there? Is that --

4 MR. BRENZA: No.

5 MR. WISNER: Oh.

6 MR. BRENZA: It's maybe in the

7 supplemental one, but then this one -- it's --

8 MR. LEVINE: --

9 MR. BRENZA: It's just articles and

10 expert reports.

11 THE REPORTER: What was that,

12 Mr. Levine, you said?

13 MR. LEVINE: I said medical records

14 are not in the supplemental either.

15 Q (By Mr. Brenza) Do you have Exhibit 4?

16 A Yes. That's what I'm looking for, looking at.

17 Q You're just verifying. Okay. Good.

18 A Do you -- do you have the actual list for this case?

19 I want to verify something.

20 Q I may.

21 MR. LEVINE: There wasn't a list

22 for this case other than the expert reports you

23 reviewed.

24 MR. WISNER: That's right. I'm

25 thinking of the expert disclosures that we did.

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1 MR. BRENZA: It was one -- it was

2 one for all, wasn't it?

3 MR. WISNER: Yeah, it was one for

4 all, and then we stated plus any references cited in

5 the expert report.

6 MR. LEVINE: Right.

7 MR. WISNER: This is what we said.

8 MR. LEVINE: Yeah.

9 MR. BRENZA: Okay. So --

10 MR. LEVINE: That's -- I'm just

11 clarifying that also.

12 MR. WISNER: Yeah.

13 MR. LEVINE: Yeah.

14 THE WITNESS: Okay.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 MR. WISNER: Exactly.

25 THE WITNESS: Okay. So that --

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1 that answers my question.

2 Q (By Mr. Brenza) So if you'll look at Paragraph 6 of

3 your -- oh, we haven't marked your report. So I've

4 previously handed you what I've marked as Exhibit 37.

5 A 36. There we go.

6 MR. WISNER: It's in your hand.

7 THE WITNESS: Yeah.

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Question	Yes (%)	No (%)
1. Are you a member of a religious organization?	100	0
2. Do you believe in God?	100	0
3. Do you believe in the Bible?	100	0
4. Do you believe in the resurrection of the dead?	100	0
5. Do you believe in the Last Judgment?	100	0
6. Do you believe in the Virgin Mary?	100	0
7. Do you believe in the saints?	100	0
8. Do you believe in the angels?	100	0
9. Do you believe in the Devil?	100	0
10. Do you believe in the soul?	100	0
11. Do you believe in the resurrection of the dead?	100	0
12. Do you believe in the Last Judgment?	100	0
13. Do you believe in the Virgin Mary?	100	0
14. Do you believe in the saints?	100	0
15. Do you believe in the angels?	100	0
16. Do you believe in the Devil?	100	0
17. Do you believe in the soul?	100	0
18. Do you believe in the resurrection of the dead?	100	0
19. Do you believe in the Last Judgment?	100	0
20. Do you believe in the Virgin Mary?	100	0
21. Do you believe in the saints?	100	0
22. Do you believe in the angels?	100	0
23. Do you believe in the Devil?	100	0
24. Do you believe in the soul?	100	0
25. Do you believe in the resurrection of the dead?	100	0
26. Do you believe in the Last Judgment?	100	0
27. Do you believe in the Virgin Mary?	100	0
28. Do you believe in the saints?	100	0
29. Do you believe in the angels?	100	0
30. Do you believe in the Devil?	100	0
31. Do you believe in the soul?	100	0
32. Do you believe in the resurrection of the dead?	100	0
33. Do you believe in the Last Judgment?	100	0
34. Do you believe in the Virgin Mary?	100	0
35. Do you believe in the saints?	100	0
36. Do you believe in the angels?	100	0
37. Do you believe in the Devil?	100	0
38. Do you believe in the soul?	100	0
39. Do you believe in the resurrection of the dead?	100	0
40. Do you believe in the Last Judgment?	100	0
41. Do you believe in the Virgin Mary?	100	0
42. Do you believe in the saints?	100	0
43. Do you believe in the angels?	100	0
44. Do you believe in the Devil?	100	0
45. Do you believe in the soul?	100	0
46. Do you believe in the resurrection of the dead?	100	0
47. Do you believe in the Last Judgment?	100	0
48. Do you believe in the Virgin Mary?	100	0
49. Do you believe in the saints?	100	0
50. Do you believe in the angels?	100	0
51. Do you believe in the Devil?	100	0
52. Do you believe in the soul?	100	0
53. Do you believe in the resurrection of the dead?	100	0
54. Do you believe in the Last Judgment?	100	0
55. Do you believe in the Virgin Mary?	100	0
56. Do you believe in the saints?	100	0
57. Do you believe in the angels?	100	0
58. Do you believe in the Devil?	100	0
59. Do you believe in the soul?	100	0
60. Do you believe in the resurrection of the dead?	100	0
61. Do you believe in the Last Judgment?	100	0
62. Do you believe in the Virgin Mary?	100	0
63. Do you believe in the saints?	100	0
64. Do you believe in the angels?	100	0
65. Do you believe in the Devil?	100	0
66. Do you believe in the soul?	100	0
67. Do you believe in the resurrection of the dead?	100	0
68. Do you believe in the Last Judgment?	100	0
69. Do you believe in the Virgin Mary?	100	0
70. Do you believe in the saints?	100	0
71. Do you believe in the angels?	100	0
72. Do you believe in the Devil?	100	0
73. Do you believe in the soul?	100	0
74. Do you believe in the resurrection of the dead?	100	0
75. Do you believe in the Last Judgment?	100	0
76. Do you believe in the Virgin Mary?	100	0
77. Do you believe in the saints?	100	0
78. Do you believe in the angels?	100	0
79. Do you believe in the Devil?	100	0
80. Do you believe in the soul?	100	0
81. Do you believe in the resurrection of the dead?	100	0
82. Do you believe in the Last Judgment?	100	0
83. Do you believe in the Virgin Mary?	100	0
84. Do you believe in the saints?	100	0
85. Do you believe in the angels?	100	0
86. Do you believe in the Devil?	100	0
87. Do you believe in the soul?	100	0
88. Do you believe in the resurrection of the dead?	100	0
89. Do you believe in the Last Judgment?	100	0
90. Do you believe in the Virgin Mary?	100	0
91. Do you believe in the saints?	100	0
92. Do you believe in the angels?	100	0
93. Do you believe in the Devil?	100	0
94. Do you believe in the soul?	100	0
95. Do you believe in the resurrection of the dead?	100	0
96. Do you believe in the Last Judgment?	100	0
97. Do you believe in the Virgin Mary?	100	0
98. Do you believe in the saints?	100	0
99. Do you believe in the angels?	100	0
100. Do you believe in the Devil?	100	0

[illegible]

Age Group	Should Take Action (%)	Should Not Take Action (%)
18-29	95	5
30-49	95	5
50-69	95	5
70+	95	5

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Label	Percentage (approximate)
1.	95%
	15%
	80%
	45%
	85%
1.	75%
	95%
	95%
	95%
	50%
	95%
	30%
	95%
	60%
	95%
	85%
	85%
	95%
	90%
	95%
	95%
	80%
	45%
	95%
	95%

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Response	Percentage
Yes, the U.S. should take action to address climate change	91%
No, the U.S. should not take action to address climate change	9%

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Response	Percentage
Yes, the U.S. should take action to address climate change	95%
No, the U.S. should not take action to address climate change	5%

Question	Percentage of 'Yes' Responses
1. Do you have a current job?	85%
2. Do you have a current job?	90%
3. Do you have a current job?	95%
4. Do you have a current job?	85%
5. Do you have a current job?	85%
6. Do you have a current job?	90%
7. Do you have a current job?	85%
8. Do you have a current job?	90%
9. Do you have a current job?	95%
10. Do you have a current job?	95%
11. Do you have a current job?	15%
12. Do you have a current job?	100%
13. Do you have a current job?	65%
14. Do you have a current job?	25%
15. Do you have a current job?	25%
16. Do you have a current job?	75%
17. Do you have a current job?	15%
18. Do you have a current job?	95%
19. Do you have a current job?	85%
20. Do you have a current job?	90%
21. Do you have a current job?	95%
22. Do you have a current job?	75%
23. Do you have a current job?	75%
24. Do you have a current job?	90%
25. Do you have a current job?	40%

Age Group	Should Take Action	Should Not Take Action
18-29	95%	5%
30-49	95%	5%
50-69	95%	5%
70+	95%	5%

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Question	Percentage of 'Yes' Responses
1. Do you have a current or former spouse or partner?	100%
2. Do you have a current or former spouse or partner who is a victim of domestic violence?	100%
3. Do you have a current or former spouse or partner who is a victim of sexual violence?	100%
4. Do you have a current or former spouse or partner who is a victim of both domestic and sexual violence?	90%
5. Do you have a current or former spouse or partner who is a victim of both domestic and sexual violence?	80%
6. Do you have a current or former spouse or partner who is a victim of both domestic and sexual violence?	20%
7. Do you have a current or former spouse or partner who is a victim of both domestic and sexual violence?	100%
8. Do you have a current or former spouse or partner who is a victim of both domestic and sexual violence?	90%
9. Do you have a current or former spouse or partner who is a victim of both domestic and sexual violence?	100%
10. Do you have a current or former spouse or partner who is a victim of both domestic and sexual violence?	90%
11. Do you have a current or former spouse or partner who is a victim of both domestic and sexual violence?	20%
12. Do you have a current or former spouse or partner who is a victim of both domestic and sexual violence?	80%
13. Do you have a current or former spouse or partner who is a victim of both domestic and sexual violence?	90%
14. Do you have a current or former spouse or partner who is a victim of both domestic and sexual violence?	100%
15. Do you have a current or former spouse or partner who is a victim of both domestic and sexual violence?	20%

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Question	Percentage of 'Yes' Answers
1. Are you a member of the same religious community as the person you are considering?	95%
2. Do you know the person's religious beliefs?	35%
3. Do you know the person's religious practices?	60%
4. Do you know the person's religious community?	98%
5. Do you know the person's religious community's beliefs?	95%
6. Do you know the person's religious community's practices?	95%
7. Do you know the person's religious community's community?	95%
8. Do you know the person's religious community's beliefs?	95%
9. Do you know the person's religious community's practices?	95%
10. Do you know the person's religious community's community?	95%
11. Do you know the person's religious community's beliefs?	95%
12. Do you know the person's religious community's practices?	70%
13. Do you know the person's religious community's community?	80%
14. Do you know the person's religious community's beliefs?	10%
15. Do you know the person's religious community's practices?	10%
16. Do you know the person's religious community's community?	75%
17. Do you know the person's religious community's beliefs?	90%
18. Do you know the person's religious community's practices?	90%
19. Do you know the person's religious community's community?	45%
20. Do you know the person's religious community's beliefs?	90%
21. Do you know the person's religious community's practices?	95%
22. Do you know the person's religious community's community?	95%
23. Do you know the person's religious community's beliefs?	55%
24. Do you know the person's religious community's practices?	95%
25. Do you know the person's religious community's community?	95%

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

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27 [REDACTED]

28 [REDACTED]

29 [REDACTED]

30 [REDACTED]

31 [REDACTED]

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35 [REDACTED]

36 [REDACTED]

37 [REDACTED]

38 [REDACTED]

39 [REDACTED]

40 [REDACTED]

41 [REDACTED]

42 [REDACTED]

Page 48

Country of Origin	Percentage
United States	~45%
Canada	~35%
United Kingdom	~30%
France	~25%
Germany	~20%
Italy	~15%
Spain	~10%
Japan	~5%
Other	~1%

Page 49

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 Q Okay. I see it.
6 A Could I request a bathroom break?
7 Q Sure.
8 A Okay.
9 THE VIDEOGRAPHER: All right.
10 We're going off record. The time is 3:48 p.m.
11 (Pause in proceedings.)
12 (The following held off the
13 videotape record.)
14
15 MR. WISNER: At this time the
16 plaintiffs designate this deposition, the one before,
17 and the one before that, all related to Dr. Shustov,
18 as confidential pursuant to the protective order.
19 (The following held on the
20 videotape record.)
21
22 THE VIDEOGRAPHER: We are back on
23 record. The time is 4:03 p.m.
24 [REDACTED]
[REDACTED]

[illegible][illegible]

Page 56

Page 57

Country of Origin	Percentage
United States	~85%
Canada	~65%
United Kingdom	~30%
France	~88%
Germany	~15%
Italy	~20%
Spain	~55%
Japan	~18%
China	~80%
India	~12%
South Korea	~92%
Australia	~10%
Brazil	~58%
Argentina	~15%
Mexico	~85%
Colombia	~100%
Venezuela	~25%
Peru	~80%
Ecuador	~15%
Chile	~85%
Uruguay	~10%
Paraguay	~85%

Page 64

THE VIDEOGRAPHER: All right.
We're going off record. The time is 4:25 p.m.
(Pause in proceedings.)

THE VIDEOGRAPHER: We are back on
record. The time is 4:33 p.m.

Q (By Mr. Brenza) Coming down the homestretch. If you
would take out Exhibit 37, your expert report in the
Stevick matter, please. And I just want to verify
which sections you borrowed from you borrowed from
Dr. Nabhan and which sections you were the original
author of.

Can we go page by page and you just tell me
whether you authored them or you borrowed them from
Dr. Nabhan?

A Okay. I would like to say I -- I'm an author of this
report, and I used the language from Dr. Nabhan's for
some of the statements to save me time, but I stand
by the statement, and I -- I feel I authored this

Page 65

[illegible]

Page 68

[illegible]

Page 69

[REDACTED]

MR. BRENZA: Those will be in the exact.

MR. WISNER: Exhibit 13.

MR. LEVINE: Exhibit 10.

MR. WISNER: 13.

MR. LEVINE: Oh. 13?

MR. BRENZA: Every exhibit we talked about yesterday is in this stack.

THE WITNESS: Okay. That's why I'm

Page 70

1 asking.

2 MR. WISNER: I believe it's memory.

3 See if my memory is...

4 THE WITNESS: Give me a moment to

5 find that report.

6 It is 10, is it?

7 MR. WISNER: No. It's 13, the

8 highlight.

9 THE WITNESS: 13. Sorry.

10 MR. WISNER: It's nice to have a

11 eidetic memory.

12 THE WITNESS: I have it.

13 MR. WISNER: So, Dr. Shustov, what

14 I would do is I would take this one and then look at

15 yours and just kind of go through them.

16 THE WITNESS: Take this and this?

17 MR. WISNER: Yeah. And just

18 compare them. And just for what it's worth, he just

19 wants to know if the general causation section in

20 your report is the portion that has the information.

21 And if so, then I think that would satisfy you.

22 MR. BRENZA: Yeah, I meant, let's

23 start with that and see if -- what he says.

24 THE WITNESS: Yes, it is in the

25 section on general causation that I see the overlap,

Page 71

1 yes.

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

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23 [REDACTED]

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25 off the record while --

Page 72

1 [REDACTED]

2 [REDACTED]

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21 [REDACTED]

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23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Page 73

1 [REDACTED]

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25 [REDACTED]

Page 76

Age Group	Should Take Action (%)	Should Not Take Action (%)
18-29	95	5
30-49	95	5
50-69	95	5
70+	95	5

Page 77

1 [REDACTED]
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3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 Q I have one more line of questioning on the substance
9 of your report. This has to do with Page 6, your --
10 your opinions that are expressed concerning the
11 meta-analysis by Schinasi and Leon. Do you see that
12 paragraph?
13 MR. WISNER: The first bulleted
14 paragraph?
15 MR. BRENZA: Correct.
16 THE WITNESS: Yeah, I see it.
17 Q (By Mr. Brenza) Okay. And do you see -- at the end
18 of that paragraph, you state, "Furthermore, I have
19 observed that several of the case control studies
20 cited above adjusted for other pesticides as
21 potential confounding factors; whereas some did not.
22 I have taken this issue into account in my analysis."
23 Do you see that?
24 A I do.
25 Q How did you take the issue of confounding pesticides

<p style="text-align: right;">Page 78</p> <p>1 in the studies relied on in the Schinasi</p> <p>2 meta-analysis, how did you take that into account in</p> <p>3 your analysis?</p> <p>4 A I gave to go again. It's -- at the time of writing,</p> <p>5 I had -- I decided that this was the, again, proper</p> <p>6 way of state how I adjusted my impression from those</p> <p>7 studies.</p> <p>8 Q Are you done?</p> <p>9 A I don't -- what?</p> <p>10 Q You still answering, or...?</p> <p>11 A Yes, I'm trying to still think how to answer your</p> <p>12 question.</p> <p>13 Q Okay.</p> <p>14 A I can't tell you specifics how exactly I adjusted</p> <p>15 that without, again, opening discussion of those</p> <p>16 publications. 'Cause I don't explain specifically</p> <p>17 how I did it.</p> <p>18 Q And you don't remember, as you sit here now, how you</p> <p>19 took account of whether they control or didn't</p> <p>20 control for confounding pesticides?</p> <p>21 A I don't recall my train of thought at the time.</p> <p>22 Q Do you recall your analysis, how you took it into</p> <p>23 account in your analysis?</p> <p>24 A As we discussed before for general causation</p> <p>25 analysis, I performed very brief review of the</p>	<p style="text-align: right;">Page 80</p> <p>1 paper. I did not do any specific considerations or a</p> <p>2 specific analysis on...</p> <p>3 MR. BRENZA: Okay. That's all I</p> <p>4 have. Thank you. Pass the witness.</p> <p>5 MR. WISNER: Thank you.</p> <p>6</p> <p>7</p> <p>8 EXAMINATION</p> <p>9 BY MR. WISNER:</p> <p>10 Q Couple quick questions, Doctor. We'll get you out of</p> <p>11 here. It's been a long --</p> <p>12 A Sure.</p> <p>13 Q -- couple of days.</p> <p>14 A Appreciate it.</p> <p>15 Q The first is on the confounding issue that we were</p> <p>16 just talking about. When you say "taking into</p> <p>17 account," does that just mean you looked and see if</p> <p>18 those studies did adjust or did not adjust?</p> <p>19 A At the level that I looked at those papers, I did not</p> <p>20 do any specific analysis on general causation papers.</p> <p>21 Q Sure. And yesterday I believe we actually discussed</p> <p>22 one of the articles. It was De Roos 2003. I believe</p> <p>23 it was Exhibit 20?</p> <p>24 A I remember the paper. I don't remember the number of</p> <p>25 exhibit.</p>
<p style="text-align: right;">Page 79</p> <p>1 literature that we went over several times and looked</p> <p>2 at the limited amount of information in tables, and</p> <p>3 without having a deep dive into general causation,</p> <p>4 that really is not my area of expertise. So I</p> <p>5 don't -- I can't give you specifically, without</p> <p>6 looking at the studies again in area of general</p> <p>7 causation, what specific terms or what specific</p> <p>8 factors I looked at.</p> <p>9 Q Do you remember what method you used to conduct your</p> <p>10 analysis?</p> <p>11 A I read the papers. Again, for general causation, I</p> <p>12 used as a reference just to familiarize myself with</p> <p>13 general causation.</p> <p>14 Q Did you do any mathematics or anything to satisfy</p> <p>15 yourself that you could rely on studies that didn't</p> <p>16 adjust for other pesticide use?</p> <p>17 A I didn't do any calculations on my own.</p> <p>18 Q Did you receive calculations from anyone else?</p> <p>19 A No.</p> <p>20 Q Do you remember anything else about the method you</p> <p>21 used?</p> <p>22 A Method of...?</p> <p>23 Q Of taking into account whether the studies did or</p> <p>24 didn't adjust for confounding pesticides.</p> <p>25 A Again, I've taken into consideration reading the</p>	<p style="text-align: right;">Page 81</p> <p>1 Q Okay. It was Exhibit 20. And that was the study</p> <p>2 where they adjusted for 47 other pesticides. Do you</p> <p>3 recall?</p> <p>4 A I remember that.</p> <p>5 Q Okay. And you remember we discussed there's language</p> <p>6 in there showing that these other pesticides, for</p> <p>7 example, didn't confound. Do you recall?</p> <p>8 A I do remember that.</p> <p>9 Q Okay. The phrase "idiopathic causes," is that a</p> <p>10 cogent sentence or phrase?</p> <p>11 A In a way, "idiopathic causes" is kind of an oxymoron</p> <p>12 because it means we don't know the cause. We use</p> <p>13 this kind of liberally just to say we don't know the</p> <p>14 cause. It's kind of, I'd say, almost inappropriate</p> <p>15 to call it "the cause" because we don't know the</p> <p>16 cause. I -- you know, we can call it unidentified --</p> <p>17 uni -- unidentifiable causes, but the "idiopathic</p> <p>18 causes," it's kind of nonsensical, but it's very</p> <p>19 frequently used.</p> <p>20 Q Is it possible to rule out an unknown cause?</p> <p>21 A Well, technically you cannot rule out something you</p> <p>22 don't know what you're ruling out.</p> <p>23 Q Okay.</p> <p>24 A So if...</p> <p>25 [REDACTED]</p>

Page 82

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Page 83

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Page 84

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 MR. WISNER: Okay. Pass the
5 witness.
6 MR. BRENZA: Nothing further.
7 THE VIDEOGRAPHER: All right. That
8 concludes the video deposition of Dr. Andrei Shustov.
9 We're now going off record at 5:09 p.m.
10 (Signature reserved.)
11 (Deposition concluded at
12 5:09 p.m.)
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Page 85

1 STATE OF WASHINGTON) I, John M.S. Botelho, CCR, RPR,
2) ss a certified court reporter
County of Pierce) in the State of Washington,
do hereby certify:
3
4
5 That the foregoing deposition of ANDREI SHUSTOV,
M.D., was taken before me and completed on December 16,
6 2018, and thereafter was transcribed under my direction;
that the deposition is a full, true and complete transcript
7 of the testimony of said witness, including all questions,
answers, objections, motions and exceptions;
8 That the witness, before examination, was by me
duly sworn to testify the truth, the whole truth, and
9 nothing but the truth, and that the witness reserved the
right of signature;
10
11 That I am not a relative, employee, attorney or
counsel of any party to this action or relative or employee
12 of any such attorney or counsel and that I am not
financially interested in the said action or the outcome
thereof;
13
14 IN WITNESS WHEREOF, I have hereunto set my hand
this 18th day of December, 2018.
15
16
17
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19
20
21 John M.S. Botelho, CCR, RPR
Certified Court Reporter No. 2976
(Certification expires 5/26/19.)
22
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Page 86

CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me.

Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

Andrei Shustov, M.D.

1 CERTIFICATE OF DEPONENT

2

3 I hereby certify that I have read and examined the

4 foregoing transcript, and the same is a true and accurate

5 record of the testimony given by me.

6

7 Any additions or corrections that I feel are necessary,

8 I will attach on a separate sheet of paper to the original

9 transcript.

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3 I hereby certify that I have read and examined the
4 foregoing transcript, and the same is a true and accurate
5 record of the testimony given by me.

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7 Any additions or corrections that I feel are necessary,
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9 transcript.

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Andrei Shustov, M.D.

Any additions or corrections that I feel are necessary,
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transcript.

Andrei Shustov, M.D.

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		Page 87			
1	WITNESS: Andrei Shustov, M.D.				
2	DATE: December 16, 2018				
3	CASE: Stevick v. Monsanto Co., et al.				
4	Please note any errors and the corrections thereof on this				
5	errata sheet. The rules require a reason for any change or				
6	correction. It may be general, such as "To correct				
7	stenographic error," or "To clarify the record," or "To				
8	conform with the facts."				
9					
10	PAGE	LINE	REASON FOR CHANGE		
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1 WITNESS: Andrei Shustov, M.D.

2 DATE: December 16, 2018

3 CASE: Stevick v. Monsanto Co., et al.

4 Please note any errors and the corrections thereof on this

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7 stenographic error," or "To clarify the record," or "To

8 conform with the facts."

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2 DATE: December 16, 2018

3 CASE: Stevick v. Monsanto Co., et al.

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3 CASE: Stevick v. Monsanto Co., et al.

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