

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

RECEIVED
APR 13 2011
CLERK OF COURT

HOLIDAY SHORES SANITARY DISTRICT; CITY OF)
CARLINVILLE, ILLINOIS; CITY OF FLORA, ILLINOIS;)
CITY OF FAIRFIELD, ILLINOIS; CITY OF HILLSBORO,)
ILLINOIS; AND CITY OF MATTOON, ILLINOIS;)
individually and on behalf of all others similarly)
situated,)

Plaintiffs,)

v.)

Cause No. 2004-L-000710

SYNGENTA CROP PROTECTION, INC., AND)
GROWMARK, INC.,)

Defendants.)

AMENDED (as to signature page only)
PLAINTIFFS' MOTION TO COMPEL ANSWER TO RULE 213(f)(1)
INTERROGATORY AND FOR PROTECTIVE ORDER

COME NOW Plaintiffs, HOLIDAY SHORES SANITARY DISTRICT, et al.,
by and through their undersigned attorneys, and moving to compel Defendant
Syngenta Crop Protection, Inc. (SCPI) to answer Plaintiff's interrogatory pursuant
to Illinois Supreme Court Rule 213(f)(1) and for a protective order, state:

1. Plaintiffs served SCPI with an interrogatory pursuant to Illinois
Supreme Court Rule 213(f)(1) on September 29, 2010. Specifically, Plaintiffs asked
SCPI "to furnish the identity and location of persons having knowledge of relevant
facts concerning any claims or defenses relative to the subject matter involved in
the pending action, including the subject matter about which the witness will

testify.” *Exhibit 1, Demand for Persons Having Knowledge of Relevant Facts under Rule 213(f)(1).*

2. On October 15, 2010, counsel for SCPI sent a letter to counsel for Plaintiffs suggesting that unless Plaintiffs agreed to limit the scope of this interrogatory in some way, SCPI would probably ask for a 60-day extension of the time to answer it:

Is there any way you want to narrow down this request of September 29, 2010? As broad as it is asked, it likely encompasses almost every person listed on any document produced by any party if it relates to atrazine. I can refer you to all documents produced to date, but I don't see how that helps you a lot. Any limitations you want to provide would be appreciated. Otherwise, we'll do the best we can, likely asking for the same 60 day extension you just asked for and received from us. Thanks.”

Exhibit 2, email from Kurtis Reeg to Stephen Tillery and Christie Deaton dated October 15, 2010.

3. On February 14, 2011, counsel for Plaintiffs wrote to counsel for SCPI about SCPI's failure to respond to this interrogatory. *Exhibit 3, letter from Christie R. Deaton to Kurtis B. Reeg dated February 14, 2011.*

4. On February 22, 2011, counsel for SCPI responded to this letter, citing Plaintiffs' counsel's desire to proceed with a February 23, 2011 hearing before this Court as the excuse for SCPI's failure to provide an answer that was then almost four months overdue:

I was working on the Rule 213(f) and supplemental responses to Interrogatories, and had planned to spend the entire week this week at the client's doing just what [Plaintiff's counsel] asked. However, continuing to insist on a hearing tomorrow forced me to return to St. Louis from Chicago and work on responsive pleadings and letters to my opposing counsel. As soon as I get a chance to work on this discovery, I will."

Exhibit 4, letter from Kurtis B. Reeg to Christie R. Deaton dated February 22, 2011.

5. Despite its continuing failure to answer Plaintiffs' Supreme Court Rule 213(f)(1) interrogatory, on March 18, 2011, SCPI served Supreme Court Rule 213(f) interrogatories on Plaintiffs.

6. SCPI's answer is now more than five months past due, and SCPI still has not answered Plaintiffs' Supreme Court Rule 213(f)(1) interrogatory.

7. SCPI repeated failure to answer, or properly answer, interrogatories seeking information about persons SCPI knows to have knowledge of relevant facts has deprived Plaintiffs of the ability to provide complete and meaningful answers to SCPI's Supreme Court Rule 213(f) interrogatories.

8. For instance, Plaintiff Holiday Shores originally asked SCPI to identify persons with knowledge of facts relevant to the claims or defenses in this action in its first set of interrogatories served on May 28, 2009. In SCPI's only verified answers to these interrogatories to date, which were served on December 28, 2009, SCPI answered by identifying 14 current or former SCPI employees or consultants.

Exhibit 5, Answer to Interrogatory No. 8 of Defendant Syngenta Crop Protection,

*Inc.'s First Amended Responses to Plaintiff's First Interrogatories Directed to Defendant Syngenta Crop Protection, Inc.*¹

9. In contrast, Plaintiffs have provided extensive information in answer to similar interrogatories served by SCPI. Plaintiffs as a group have identified more than 75 different persons or entities who have knowledge of relevant facts. For instance, Holiday Shores Sanitary District identified 12 persons or entities who had been involved in the monitoring, sampling, or testing of its water, and identified an **additional** 12 persons or entities who were involved in decisions or actions taken by Holiday Shores related to atrazine. *Exhibit 6, Plaintiff Holiday Shores Sanitary District's Third Amended Objections and Answers to Defendant Syngenta Crop Protection, Inc.'s First Set of Interrogatories on the Class Certification Issues*, ¶¶ 5(c), 5(d), 19. That a small water district is able to identify more people with knowledge of relevant facts than the manufacturer of a pesticide registered with the EPA strains credulity.

10. Counsel for SCPI's suggestion that Plaintiffs refer to the documents SCPI has produced to date to identify persons with knowledge of relevant fact and the subjects of their testimony is no substitute for an answer to Plaintiffs' interrogatory, as counsel for SCPI himself has suggested ("I can refer you to all documents produced to date, but I don't see how that helps you a lot." *Exhibit 3*).

¹ As SCPI marked several of its responses to interrogatories "Subject to Protective Order," Plaintiffs are not attaching a full copy of these responses to this pleading. Plaintiffs are not conceding that any portion of this document is subject to the protective order entered in this case. SCPI did not specifically designate its response to Interrogatory No. 8 as "confidential," and Plaintiff reasonably believes that the information contained within SCPI's response to Interrogatory No. 8 is not confidential under the Protective Order.

11. Even assuming SCPI were entitled (which it clearly is not) to refer Plaintiffs generally to "all documents produced to date" in lieu of answering Plaintiffs' interrogatory, SCPI's document production is woefully incomplete,² leaving Plaintiffs unable to determine from SCPI's production the identities of all persons with knowledge of relevant facts and the subjects on which Plaintiffs might call them to testify.

12. Furthermore, although Plaintiffs have repeatedly attempted to schedule depositions of certain SCPI employees whom Plaintiffs believe may have knowledge of both relevant facts and the identities of other persons with knowledge of relevant facts, to date none of these depositions have been taken.

13. SCPI's failure to provide timely and complete answers to interrogatories and responses to requests for production, and to make certain individuals available for deposition, has deprived Plaintiffs of the ability to provide a complete and accurate answer to SCPI's Rule 213(f) interrogatories.

14. For Plaintiff to respond to SCPI's Rule 213(f) interrogatories unilaterally, when SCPI has failed to respond to a similar interrogatory for more than six months, has failed to adequately respond to Plaintiffs first interrogatory concerning persons with knowledge of relevant facts for almost two years, and has

² See, e.g., Plaintiffs' Renewed Motion to Compel filed February 16, 2011. Under the Court's Order of March 3, 2011, SCPI is to amend and supplement its interrogatory responses and supplement its responses to Plaintiffs' requests for production. To date, it has done neither. Additionally, Plaintiff refers the Court to the Motion for Sanctions Regarding Documents in Possession of SCPI's Foreign Parent and Affiliate Companies filed March 29, 2011, and the Motion for Sanctions Regarding Discovery as to Atrazine Distribution, Sale, Application and Market Share filed on March 29, 2011.

failed to respond fully to Plaintiffs' requests for production, would be an exercise in futility, and to require Plaintiffs to do so would be fundamentally unfair.

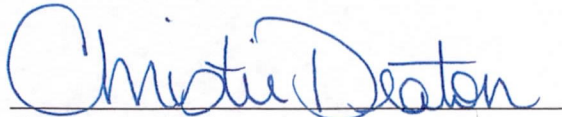
15. Syngenta's unilateral failure to fully answer Plaintiffs' interrogatories seeking information about persons with knowledge of relevant facts and the subjects on which they are expected to testify is without substantial justification and an unreasonable failure to comply with the Illinois Supreme Court Rules regarding discovery.

WHEREFORE, Plaintiffs move this Court to enter an Order:

- A. Compelling SCPI to respond within fourteen days to Plaintiffs' Illinois Supreme Court Rule 213(f)(1) interrogatory;
- B. Compelling SCPI to comply within fourteen days with this Court's March 3, 2011 Order;
- C. Granting Plaintiffs an extension of time, to a date at least thirty days after SCPI provides complete answers to Plaintiffs' interrogatories and responses to Plaintiffs' requests for production, to answer SCPI's Illinois Supreme Court Rule 213(f) interrogatories;
- D. For sanctions against SCPI in accordance with Illinois Supreme Court Rule 219(c) for Syngenta's failure to comply with Illinois Supreme Court Rules; and
- E. For such further or alternative relief as is just and appropriate in the circumstances.

Respectfully submitted,

KOREIN TILLERY



STEPHEN M. TILLERY #2834995

CHRISTINE J. MOODY #6211904

CHRISTIE R. DEATON #6276456

505 North 7th Street, Suite 3600

St. Louis, MO 63101

Telephone: 314/241-4844

Facsimile: 314/241-3525

BARON & BUDD

SCOTT SUMMY, *pro hac vice*

CARLA BURKE, *pro hac vice*

CELESTE EVANGELISTI, *pro hac vice*

CARY MCDUGAL, *pro hac vice*

3102 Oak Lawn Avenue, Suite 1100

Dallas, TX 75219-3605

Telephone: 214/521-3605

Facsimile: 214/520-1181

Attorneys for the Plaintiffs

EXHIBIT 1

Demand for Persons Having Knowledge of Relevant Facts
Under Rule 231(f)(1) dated September 29, 2010

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

HOLIDAY SHORES SANITARY DISTRICT; CITY OF)	
CARLINVILLE, ILLINOIS; CITY OF FLORA, ILLINOIS;)	
CITY OF FAIRFIELD, ILLINOIS; CITY OF HILLSBORO,)	
ILLINOIS; AND CITY OF MATTOON, ILLINOIS;)	
individually and on behalf of all others)	
similarly situated,)	
Plaintiff,)	
v.)	Cause No. 04-L-710
SYNGENTA CROP PROTECTION, INC., AND)	
GROWMARK, INC.,)	
Defendants.)	

DEMAND FOR PERSONS HAVING KNOWLEDGE
OF RELEVANT FACTS UNDER RULE 213(d)(1)

TO: SYNGENTA CROP PROTECTION, INC. - Defendant

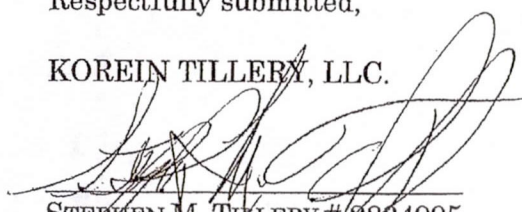
AND: Kurtis B. Reeg
REEG LAWYERS, LLC
1 North Brentwood, Suite 950
St. Louis, MO 63105
Attorney for Defendant

COME NOW PLAINTIFFS, HOLIDAY SHORES SANITARY DISTRICT, et al., in the above-entitled cause, by and through their undersigned attorneys and make demand upon Defendant, SYNGENTA CROP PROTECTION, INC., to furnish the identity and location of persons having knowledge of relevant facts concerning any claims or defenses relative to the subject matter involved in the pending action, including the subject matter about which the witness will testify.

ANSWER:

Respectfully submitted,

KOREIN TILLERY, LLC.



STEPHEN M. TILLERY #2834995

CHRISTINE J. MOODY #6211904

STEPHEN SWEDLOW #6234550

CHRISTIE R. DEATON #6276456

505 North 7th Street, Suite 3600

St. Louis, MO 63101

Phone: 314.241.4844

Fax: 314.241.3525

BARON & BUDD, PC

SCOTT SUMMY, *pro hac vice*

CARLA BURKE, *pro hac vice*

CELESTE EVANGELISTI, *pro hac vice*

CARY MCDUGAL, *pro hac vice*

3102 Oak Lawn Avenue, Suite 1100

Dallas, TX 75129-3605

Phone: 214.521.3605

Fax: 214.520.1181

Attorneys for the Plaintiffs

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

HOLIDAY SHORES SANITARY DISTRICT; CITY OF)
CARLINVILLE, ILLINOIS; CITY OF FLORA, ILLINOIS;)
CITY OF FAIRFIELD, ILLINOIS; CITY OF HILLSBORO,)
ILLINOIS; AND CITY OF MATTOON, ILLINOIS;)
individually and on behalf of all others)
similarly situated,)

Plaintiff,)

v.)

Cause No. 04-L-710

SYNGENTA CROP PROTECTION, INC., AND)
GROWMARK, INC.,)

Defendants.)

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the *Plaintiffs' Demand for Persons Having Knowledge of Relevant Facts Under Rule 213(f)* directed to Syngenta Crop Protection, Inc. was served upon the attorneys of record for the defendants in this cause electronically and by enclosing said copy in an envelope addressed to said attorney at his/her address as disclosed by the pleadings on file in this cause and by depositing said envelope in a U.S. Post Office mailbox at 5:00 p.m. on this 28th day of September, 2010.

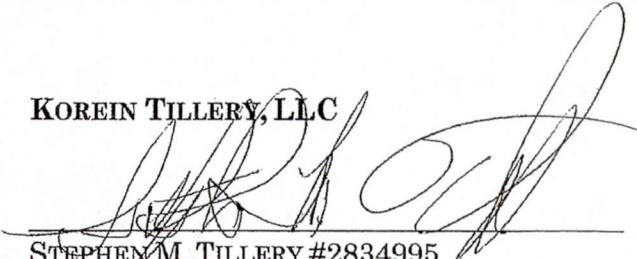
Kurtis B. Reeg
REEG LAWYERS, LLC
1 North Brentwood, Suite 950
St. Louis, MO 63105
kreeg@reeglawfirm.com

Robert H. Shultz, Jr.
HEYL, ROYSTER, VOELKER & ALLEN
Mark Twain Plaza II, Suite 100
105 West Vandalia Street
Edwardsville, IL 62025
rshultz@heyloyster.com

Anne G. Kimball
WILDMAN HARROLD ALLEN & DIXON, LLP
225 West Wacker Drive, Suite 2800
Chicago, IL 60606
akimball@wildman.com

Michael A. Pope
Jocelyn D. Francoeur
Todd R. Wiener
Christopher M. Murphy
McDERMOTT WILL & EMERY LLP
227 West Monroe Street
Chicago, IL 60606
mpope@mwe.com
jfrancoeur@mwe.com
twiener@mew.com
cmurphy@mwe.com

KOREIN TILLERY, LLC



STEPHEN M. TILLERY #2834995
505 North 7th Street, Suite 3600
St. Louis, MO 63101
Telephone: 314/241-4844
Facsimile: 314/241-3525
Attorneys for the Plaintiffs

EXHIBIT 2

e-mail from Kurtis Reeg to Stephen Tillery and Christie Deaton
dated October 15, 2010

Deaton, Christie

From: Kurtis Reeg [kreeg@reeglawfirm.com]
Sent: Friday, October 15, 2010 3:25 PM
To: Tillery, Stephen; Deaton, Christie
Cc: Paul Knobbe; Brian Connolly; Philip Sholtz; Mart Mitchell; Sarah Suedkamp
Subject: HSSD Rule 213 (f)(1) requests

Friends:

Is there any way you want to narrow down this request of September 29, 2010? As broad as it is asked, it likely encompasses almost every person listed on any document produced by any party if it relates to atrazine. I can refer you to all the documents produced to date but I don't see how that helps you a lot. Any limitations you want to provide would be appreciated. Otherwise, we'll do the best we can, likely asking for the same 60 day extension you just asked for and received from us. Thanks. K

Kurtis B. Reeg
President-Managing Partner

REEG LAWYERS, LLC

1 North Brentwood Boulevard, Suite 950

Saint Louis, Missouri 63105

Office: 314.446.3350

Direct: 314.446.3351

Cell: 314.574.2287

Fax: 314.446.3360

kreeg@reeglawfirm.com

www.reeglawyers.com

Licensed in Missouri, Illinois, Kansas, and Nebraska

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify us immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

Internal Revenue Service Circular 230 Statement Applicable To Tax Advice, If Any, Contained In This Communication: New Treasury Regulations require us to inform you that neither you nor any other recipient may use any tax advice in this communication to avoid any penalty that may be imposed under federal tax law. To obtain penalty protection, the new Regulations require attorneys, accountants and other tax advisors to perform increased due diligence to verify all relevant facts and to format the written tax advice in a lengthy number of separately enumerated sections with numerous disclosures. If you would like us to prepare written tax advice designed to provide penalty protection, please contact us and we will be pleased to discuss the matter with you in more detail.

EXHIBIT 3

Letter from Christie Deaton to Kurtis Reeg
dated February 14, 2011



KOREIN TILLERY

Attorneys at Law

One US Bank Plaza
505 North 7th Street, Suite 3600
St. Louis, Missouri 63101

www.koreintillery.com

CHRISTIE R. DEATON

cdeaton@koreintillery.com

p: 314.241.4844

f: 314.241.3525

February 14, 2011

via electronic and first-class mail

Kurtis B. Reeg
REEG LAWYERS, LLC
1 North Brentwood Boulevard, Suite 950
St. Louis, MO 63105

Re: *Holiday Shores Sanitary District, et al. v. Syngenta Crop Protection, Inc., et al.*
Madison County Cause No. 04-L-710

Dear Kurt:

There are several outstanding discovery issues that need to be resolved immediately.

You have told the Court on numerous occasions that your client is providing documents in the above-captioned case on a rolling basis at a rate of approximately 300,000 pages per month. As you know, plaintiffs have objected to this rate of production, especially given the number of documents that remain outstanding according to the information that you have provided in pleadings and in your affidavit to the Court. At the current rate, it will take several years to produce the documents that your client has collected for production.

Now, it appears that your client is no longer complying with this untenable, snail's pace of production. To date, your client has not produced documents for the January "rolling production." The November production, which was not produced until the middle of December, totaled only approximately 180,000 pages. And the December production, which was not tendered until January 31, 2010, contained only 195,000 pages. Please let me know immediately when we can expect additional productions from SCPI.

205 North Michigan, Suite 1950
Chicago, Illinois 60601-4269
Tel: 312.641.9750 Fax: 312.641.9751

As you know, I have asked you to provide a more definite statement concerning the number of documents and pages of documents that remain outstanding from the documents that your client has already collected. We went through this in detail during our 201(k) conference call in July 2010, and you promised to provide me with this information once you were able to attain a clearer picture from your co-counsel who were responsible for the collection. To date, you have failed to provide this information to me.

Based upon your affidavits submitted to the Court and your explanation of these affidavits during our July 2010 conference call, I know that you collected approximately 7.5 Million pages of documents by the end of 2008. Your client conducted a document collection in 2009, which totaled an unknown number of documents. In early 2010, your client conducted a document collection of 80,000 pages of documents and more than 170 GB of electronic data. You have provided me with no additional information concerning the number of pages collected in 2009 or in the electronic documents collected in 2010, despite repeated requests. Please provide me with an accurate picture of the number of documents and number of pages that have been collected to date, including the documents collected in 2009 and 2010.

I have conducted research concerning the number of pages typically found in each GB of electronic data collected. Depending on the type of document that comprises the electronic data, the number of pages collected in 2010 likely ranges from 2.7 Million pages to more than 115 Million pages. Assuming that the electronic documents collected are similar to the types of documents Syngenta has been producing (i.e., comprised mostly of emails, Word documents, and Excel spreadsheets), my estimate of the number of pages collected by SCPI ranges from 11 Million to more than 28 Million, just from the 2010 collection.

Taking the most conservative estimates, and excluding the 2009 collection since you have provided no information concerning the number of documents collected at that time, I estimate that your client has collected more than 18.5 Million pages of documents. A less conservative estimation would put the number of pages in excess of 35 Million pages. In the 20 months since Plaintiffs' served discovery, SCPI has produced only 4.1 million pages of these documents, which is a very small fraction of the most conservative estimates of what the production is likely to be.

Assuming that the number of documents that remain to be produced is at the low end of the estimates given above, it will take several years to complete discovery at

the pace Syngenta claimed to maintain prior to the production slowdown at the end of 2010. I believe that it is past time to revisit the number of documents that are being provided by SCPI in its "rolling production."

Additionally, I understand from your discussions with Stephen Tillery on October 8, 2010, that you have not collected any documents over which SCPI has possession or control from any of the overseas Syngenta entities. To date, you have failed to collect and produce these documents, in contradiction with Judge Crowder's Orders of October 26 and November 24, 2009. We ask that you comply with Judge Crowder's Orders on this issue.

Secondly, I thank you for your second "rolling production" of the privilege log. I have reviewed the accompanying letter that you sent on January 31, 2010, and I must disagree with several points. In your paragraph beginning with "per our prior discussions and agreements," you note that "documents currently being withheld from production based on lobbying, first amendment and trade group objection, as well as FIFRA objections are being treated separately from these privilege designations, and are not included in this log."

Plaintiffs have never agreed to SCPI's failure to log any documents withheld on the basis of privilege. We object to these categories of documents being withheld on the basis of privilege not being properly logged in accordance with Illinois law. And we can find no basis for your doing so either in Illinois law or in the Orders entered by the Court in this case.

The only Order in which the Court ruled that a privilege log was not necessary for those documents upon which a First Amendment privilege was being asserted was specific to those entities who were served with subpoenas. "To require those who received subpoenas to disclose that information which they assert is protected by the First Amendment to the U.S. Constitution will not be required by this court." Order of September 22, 2010. This portion of the Order was not directed to SCPI, and we object to your interpretation that would allow your client to exclude these types of documents from the privilege log, especially given the procedural history of the case and the statements made in Court on behalf of your client.

This Order came more than a year after you informed the Court that the proper way for SCPI to assert its First Amendment privilege was by including the document on a privilege log with enough information for Plaintiffs to challenge the privilege. "The

proper way to do this and what you are willing to do because of plaintiff's objections -- they think they're entitled to this discovery -- the proper way to do this is to produce what is not privileged, what we think is privileged goes on a privilege log with enough identification so that they can challenge our designation. It is prima facie privileged. The assertion of that privilege can be overcome if they can show that the relevance outweighs the potential detriment. And we'll give them enough information in the privilege log so that they can challenge it, and we can try to work out our differences if we can, and then we'll have to bring it back to the Court." Transcript of Hearing on Protective Orders, August 31, 2009, 29:18-30:7. SCPI has not asked the Court to limit what it said that it would include in the privilege logs concerning its First Amendment privilege, and the Court has made no rulings with respect to SCPI on this issue. We once again ask that you include all of the documents upon which you are claiming a privilege to be included in the privilege log.

Plaintiffs have repeatedly asked that you provide any basis under Illinois law for your asserted "FIFRA" privilege. You are apparently withholding a number of documents based upon this "privilege," but you have not provided Plaintiffs with any supporting law to show that this privilege would even be recognized by Illinois courts, despite repeated requests. Not only are you withholding these documents based upon this "privilege" with no basis under the law, but you are not including the documents on the privilege log. We object to this treatment of the documents. We ask that you provide Plaintiffs with the requested supporting law showing that this alleged "privilege" is likely to be recognized by Illinois courts and include these documents on your privilege log; or you produce the withheld documents immediately.

Furthermore, the descriptions given on the privilege log are insufficient for Plaintiff to determine if the documents fall within the privilege asserted under Illinois law. We ask that you provide sufficient detail for Plaintiff and the Court to determine if the privilege applies without *in camera* review of each document.

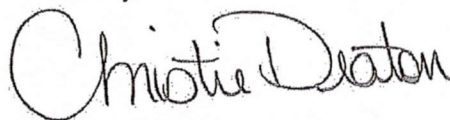
In addition to the issues noted above, there are some discovery responses that are long overdue. On September 29, 2010, Plaintiffs served SCPI with Illinois Rule 213(f) Interrogatories. SCPI did not respond to this discovery request within 28 days as required by Illinois rules. To date, SCPI has not responded to these Interrogatories in any way.

Finally, I have repeatedly asked SCPI to amend and supplement its Interrogatory responses. We discussed this in detail during a Rule 201(k) conference call on July 8,

2010. You agreed that you would amend and supplement the Interrogatories without the necessity of Plaintiff sending you a letter detailing each deficiency in the responses. And you agreed that your client would supplement its responses with all of the information or documents in the areas where the phrase "If this exhibit provides the information Plaintiff is looking for, then Syngenta will supplement this production of information with additional data" or equivalent language was used throughout the interrogatory responses. To date, your client has done neither. We once again ask that you do this as soon as possible.

In order to get these issues resolved, we will be filing an amended Motion to Compel and seek to have this heard at the hearing that is currently scheduled for Wednesday, February 23, 2011. If you would like to obviate the need for a hearing on this matter, please feel free to call me in order to try to work out this discovery dispute. This letter is in compliance with Illinois Rule 201(k).

Sincerely,



CHRISTIE R. DEATON

CRD/jfw

Cc: Mark Surprenant
Michael Pope

EXHIBIT 4

Letter from Kurtis Reeg to Christie Deaton
dated February 22, 2011

REEG LAWYERS, LLC

Attorneys and Counselors at Law

KURTIS B. REEG
President-Managing Partner
kreeg@reeglawfirm.com
ADMITTED IN MISSOURI, ILLINOIS, KANSAS & NEBRASKA

February 22, 2011

VIA E-MAIL AND REGULAR US MAIL

Ms. Christie R. Deaton
Korein Tillery, LLC
One US Bank Plaza
505 N. 7th Street, Suite 3600
St. Louis, MO 63101

**Re: Holiday Shores Sanitary District, et al, v. Syngenta Crop Protection, LLC
Case No. 04-L-710**

Dear Christie:

I am in receipt of your February 14, 2011, letter and am responding thereto. I've already written you about the status of our document collection and estimated schedule.

Judge Crowder's most recent orders make it very clear that Plaintiffs are not entitled to a privilege log for documents/data protected by First Amendment privileges. Plaintiffs' petition for leave to appeal in that regard was denied by the Fifth District. To my knowledge, Plaintiffs' have not appealed that denial (if you have please send me a copy). Any hearing before the Madison County Circuit Court tomorrow regarding this matter is, in Syngenta's opinion, a waste of judicial resources. As you know, there are petitions for leave to appeal filed by Syngenta and Heartland pending before the Illinois Supreme Court with respect to these issues, and Judge Crowder's Orders make clear that this discovery is stayed pending the exhaustion of all appeals.

The issue of the confidentiality/release of FIFRA-protected data compensation arbitration proceedings was indeed handled separately. This issue arose as a result of Syngenta's request to return to us inadvertently-produced documents that were and are protected under FIFRA and the FIFRA Arbitration Rules of the AAA. I advised Steve of our position on this issue; he asked that I send over our authorities regarding the same; I did as he requested and sent the letter to you; and Plaintiffs' counsel never responded to my letter setting forth our bases for our position. Attached please find another copy of that communication from September 9, 2010. We again request return of those documents previously identified.

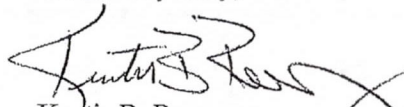
I was working on the Rule 213(f) and supplemental responses to Interrogatories, and had planned to spend the entire week this week at the client's doing just what you asked. However,

Ms. Christie R. Deaton
February 22, 2011
Page 2 of 2

continuing to insist on a hearing tomorrow forced me to return to St. Louis from Chicago and work on responsive pleadings and letters to my opposing counsel. As soon as I get a chance to work on this discovery, I will. If the hearing for tomorrow is cancelled or postponed, in light of the production of the Coursey/University of Chicago documents which I understand is happening today, then I will fly to NC as soon as possible to continue that work. From earlier conversations, Steve might remember that I am gone to a legal group meeting all next week, but I will continue to work on this discovery.

What I would really like to do is sit down across the table with your group and go through discovery issues you have and ones we have. The rancor and mail exchanges are, in my view, not the most productive way to resolve these disputes, at least in this case based on past history. I'm willing to and want to do that, and I hope your team does as well. Let me know about that and the hearing tomorrow. Thanks.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kurtis B. Reeg", with a large circular flourish at the end.

Kurtis B. Reeg
Attorneys for Syngenta Crop Protection, LLC

Enclosure

Cc: Mr. Mark Surprenant
Mr. Mike Pope

EXHIBIT 5

Defendant Syngenta Crop Protection, Inc.'s First Amended
Responses to Plaintiff's First Interrogatories Directed to
Defendant Syngenta Crop Protection, Inc.
(Interrogatory #8 only)

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT OF ILLINOIS
MADISON COUNTY

HOLIDAY SHORES SANITARY DISTRICT,)
Individually and on behalf of all others similarly)
situated,)

Plaintiff,)

v.)

SYNGENTA CROP PROTECTION, INC. and)
GROWMARK, INC.,)

Defendants.)

Cause No. 2004-L-000710

CONFIDENTIAL and
SUBJECT TO
PROTECTIVE ORDER

**DEFENDANT SYNGENTA CROP PROTECTION, INC.'S FIRST AMENDED
RESPONSES TO PLAINTIFF'S FIRST INTERROGATORIES DIRECTED TO
DEFENDANT SYNGENTA CROP PROTECTION, INC.**

COMES NOW Defendant Syngenta Crop Protection, Inc. ("Syngenta"), and for its First Amended Responses to Plaintiff's First Interrogatories Directed to it, states as follows:

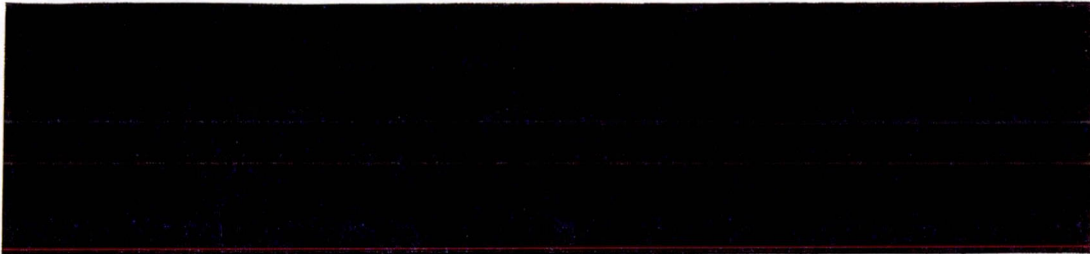
These interrogatories are to be answered in accordance with the following definitions and instructions, and these definitions and instructions are hereby incorporated by reference into each Interrogatory.

GENERAL OBJECTIONS

Syngenta Crop Protection, Inc., acknowledges the Court's Order dated October 26, 2009, regarding discovery. So the record is clear that: Syngenta respectfully disagrees with certain aspects of the Court's Order and rulings; the Court did not rule on many of Syngenta's previously asserted objections; and Syngenta is not waiving any of its previously asserted General, Specific or other Objections to Plaintiff's discovery, Definitions and Instructions. Accordingly, Syngenta repeats its Objections herein in order to preserve and protect the record. However, except as specifically noted below, these Responses are made in compliance with the Court's Order dated October 26, 2009, and are not limited by the aforesaid Objections.

Cause No. 2004-L-000710

Page 1 of 79

- 
8. Identify all persons, including addresses, with knowledge of facts relevant to the claims or defenses asserted by Plaintiff or Defendants in this action, and provide a summary of the relevant facts of which each person has knowledge. Please be sure to include those who you employed or hired with responsibility relating to:
- Determining the health effects of exposure to atrazine, atrazine-containing products, triazines, triazine-containing products, and/or constituents or degradates of such products;
 - Investigating the contamination of water resources by atrazine, atrazine-containing products, triazines, triazine-containing products, and/or constituents or degradates of such products;
 - Considering, developing, adopting, circulating, and/or providing final approval for any warnings related to atrazine, atrazine-containing products, triazines, triazine-containing products, and/or constituents or degradates.

RESPONSE: See objections to Definitions 2, 11, 12 and 13 above. Syngenta further objects on the grounds that the term "contamination" assumes facts not in evidence and mischaracterizes the legal, permissible presence at certain levels of Atrazine and the three (3) breakdown substances identified by Plaintiff in its Amended Complaint and set forth in Response to Definition 2 above, in raw and treated drinking water. Moreover, Syngenta objects on the grounds that this Interrogatory is vastly overbroad and is not limited in time, geography or specific or limited markets, or to the State of Illinois, is not limited to the allegations of Plaintiff's Amended Complaint, and, therefore, includes substances other than technical and/or commercial grade Atrazine, and the three (3) breakdown substances identified by Plaintiff in its Amended Complaint and set forth in Response to Definition 2 above, such that this Interrogatory seeks information which is irrelevant and immaterial to any issue in this case, seeks information which is not reasonably calculated to lead to the discovery of admissible evidence at trial, and is beyond the scope of permissible discovery.

To the extent that the requested information or documents are already in existence and reasonably available in the form requested by Plaintiff, Syngenta states that upon completion of its review of business records it has available and it is currently reviewing, it will respond as limited regarding Atrazine at a reasonable date and place in the future to be agreed to between the parties or as otherwise ordered by the Court.

AMENDED RESPONSE: Syngenta objects to the extent that this Interrogatory seeks information protected by the Attorney-Client Privilege, Work Product Doctrine, Joint Defense Privilege, or the Consulting Expert Privilege. Subject to the foregoing objections, and without waiving the same, as the documents produced to date and those to be produced in this case clearly indicate, there have been numerous individuals who have been involved to differing degrees with Atrazine from the date of its initial registration in 1958 to the present.

Cause No. 2004-L-000710

Page 32 of 79

At this early stage of the litigation, Syngenta cannot provide a complete list of individuals responsive to this Interrogatory. The Plaintiff is not entitled at this time to a listing of persons who may serve as testifying experts, nor is Plaintiff entitled to the identities of Syngenta's consulting experts; in fact, Plaintiff has objected to disclosure of its consulting experts. Moreover, since Syngenta is in the midst of its ongoing collection, review and production of discoverable documents, its investigation is continuing as to information responsive to this Interrogatory.

Based on the foregoing, Syngenta provides the following partial list of persons with knowledge of relevant facts as follows:

- i. Janis McFarland, Ph.D., Head, Regulatory Affairs NAFTA, Syngenta Crop Protection, Inc., Greensboro, NC. Principally involved in atrazine matters since initiation of Special Review in 1994.
- ii. Charles Breckenridge, Ph.D., Sr. Science and Technology Fellow, Syngenta Crop Protection, Inc., Greensboro, NC. Involved in toxicological atrazine research.
- iii. James Stevens, Ph.D., retired Syngenta employee, NC. Wake Forest University School of Medicine, Winston-Salem, NC. Consultant in ongoing atrazine toxicological research.
- iv. Tim Pastoor, Ph.D., Principal Scientist, Syngenta Crop Protection, Inc., Greensboro, NC. Involved in toxicological atrazine research.
- v. Dennis Tierney, Ph.D., retired Syngenta employee, Greensboro, NC. Consultant on atrazine stewardship.
- vi. Brian Christensen, BCC, Inc., Minnetonka, MN. Consultant on atrazine monitoring and stewardship.
- vii. Andrew Merritt, Technical Expert III, Syngenta Crop Protection, Inc., Greensboro, NC. Atrazine monitoring.
- viii. Peter Hertl, Ph.D., Head, Product Safety Americas, Syngenta Crop Protection, Inc. Involved in atrazine research and monitoring.
- ix. David Volz, Ph.D., former Syngenta employee, University of South Carolina, Columbia, SC. Involved in toxicological atrazine research.
- x. David Flakne, Sr. State Government Relations Manager, Syngenta Crop Protection, Greensboro, NC. Involved in atrazine stewardship.

- xi. Alan Hosmer, Technical Expert V, Syngenta Crop Protection, Inc., Greensboro, NC, Involved in toxicological atrazine research.
- xii. Ron Williams, Ph.D., Stewardship Manager, Syngenta Crop Protection, Inc., Greensboro, NC. Involved in atrazine stewardship.
- xiii. Dan Campbell, Regulatory Affairs Team Leader, Syngenta Crop Protection, Inc., Greensboro, NC. Involved in atrazine registration.
- xiv. John Licata, Operational HSE & QA Head, Syngenta Crop Protection, Inc., Greensboro, NC. Involved in manufacturing worker safety.



Cause No. 2004-L-000710

Page 34 of 79

EXHIBIT 6

Plaintiff Holiday Shores Sanitary District's Third Amended
Objections and Answers to Defendant Syngenta Crop Protection, Inc.'s
First Set of Interrogatories on the Class Certification Issues

**IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT OF ILLINOIS
MADISON COUNTY**

HOLIDAY SHORES SANITARY DISTRICT; CITY OF)
FLORA, ILLINOIS; CITY OF FAIRFIELD, ILLINOIS;))
CITY OF FAIRFIELD, ILLINOIS; CITY OF)
HILLSBORO, ILLINOIS; CITY OF MATTOON,)
ILLINOIS; CITY OF LITCHFIELD, ILLINOIS;)
and CITY OF MOUNT OLIVE, ILLINOIS)
Individually and on behalf of all others)
similarly situated,)

Plaintiff,)

Cause No. 2004-L-000710

v.)

SYNGENTA CROP PROTECTION, INC.)
and GROWMARK, INC.,)

Defendants.)

**PLAINTIFF HOLIDAY SHORES SANITARY DISTRICT'S
THIRD AMENDED OBJECTIONS AND ANSWERS TO DEFENDANT
SYNGENTA CROP PROTECTION, INC.'S FIRST SET OF
INTERROGATORIES ON THE CLASS CERTIFICATION ISSUES**

Pursuant to Illinois Supreme Court Rule 213, Plaintiff Holiday Shores Sanitary District ("HSSD") hereby provides the following objections and answers to Defendant's First Set of Interrogatories to Plaintiff Holiday Shores Sanitary District on the Class Certification Issue.

THIRD AMENDED GENERAL OBJECTIONS AND RESERVATIONS

1. HSSD objects to the extent that the First Set of Interrogatories on the Class Certification Issues seeks information outside the scope of discovery permissible under the Illinois Code of Civil Procedure, Illinois Supreme Court Rules, or other applicable law.

2. HSSD objects to the extent that the First Set of Interrogatories on the Class Certification Issues seeks disclosure of information covered by the attorney-client privilege, work product doctrine, consulting expert privilege, or other applicable privileges or immunities. Plaintiff reserves the right to withdraw and recover any documents covered by such privileges or immunities if Plaintiff inadvertently or mistakenly produces such documents.

3. HSSD objects to the extent that the First Set of Interrogatories on the Class Certification Issues seeks information concerning persons or entities which are not parties to this action and/or are outside the possession or control of HSSD, or which documents are equally available to the Defendant or are in the possession of Defendant. **However, HSSD is not withholding any document in its possession or control based upon this objection.**

4. HSSD objects to the First Set of Interrogatories on the Class Certification Issues to the extent that they attempt to give some meaning to certain terms other than their typical, normal meaning or definition. In responding, HSSD will utilize the common, accepted meaning of words and phrases.

5. HSSD hereby incorporates each of the foregoing general objections into each of its answers below.

DEFINITIONS

1. "Atrazine," whether singular or plural, shall mean technical grade atrazine and/or commercial grade atrazine, atrazine containing products (where atrazine is intended as an active ingredient), and the degradation products of atrazine, deethylatrazine, deisopropylatrazine and diaminoatrazine.

THIRD AMENDED OBJECTION: HSSD objects to the phrases “technical grade atrazine” and “commercial grade atrazine” as vague and ambiguous. Defendant has made no attempt to define either term or provide HSSD with any indication of existing industry or company standards used to define these terms. HSSD objects to the phrase “atrazine-containing products (where atrazine is intended as an active ingredient)” as vague and ambiguous, and only partially defined. Defendant has made no attempt to identify for which products atrazine “is intended as an active ingredient,” and Defendant, a producer of atrazine, is in a better position to make such a determination than HSSD, a water provider. HSSD is not limiting its responses based upon this objection, and its responses are not made subject to this objection.

2. “Defendants” mean the entities that have been named as defendants in the following lawsuits currently pending in the Circuit Court for the Third Circuit of Illinois: Holiday Shores Sanitary District v. Sipcam Agro USA, Inc., and GROWMARK, Inc., Case No. 2004-L-000708; Holiday Shores Sanitary District v. Drexel Chemical Co., and GROWMARK, Inc., Case No. 2004-L-000709; Holiday Shores Sanitary District v. Syngenta Crop Protection, Inc., and GROWMARK, Inc., Case No. 2004-L-000710; Holiday Shores Sanitary District v. United Agri Products, Inc., and GROWMARK, Inc., Case No. 2004-L-000711; Holiday Shores Sanitary District v. Makhteshim-Agan of North America, Inc., and GROWMARK, Inc., Case No. 2004-L-000712; Holiday Shores Sanitary District v. Dow Agrosciences LLC and GROWMARK, Inc., Case No. 2004-L-000713.

3. “Document(s)” is defined as the term is defined in Illinois Supreme Court Rules 201(b) and 214.

4. “Facility” means any and/or all of the land, plant and equipment, however used by you to process raw water into drinking water consumed by your constituents or consumers from the time when you first began to process raw water into drinking water up to and including the present.

5. “Person” means an individual, sole proprietorship, partnership, limited partnership, limited liability partnership, corporation, limited liability corporation, governmental entity and any other legally recognized entity.

6. “Representative” means any partner, agent, employee, consultant, attorney, accountant, expert or anyone else acting or purporting to act for, at the direction of, or on behalf of the referenced entity.

THIRD AMENDED OBJECTION: HSSD objects to the terms "consultant," "attorney," "expert," and "anyone else acting or purporting to act for, at the direction of, or on behalf of the referenced entity" to the extent that it includes persons or seeks information which is protected by the attorney-client privilege, work product doctrine, consulting expert privilege, or any other applicable legal protection or privilege. Subject to and without waiving the foregoing objections, HSSD will produce any relevant, responsive, and non-privileged documents within its possession or control.

7. "You," "your," "yours," and/or "HSSD" means Holiday Shores Sanitary District and any of its employees, officers, directors, agents, attorneys, predecessors and representatives.

THIRD AMENDED OBJECTION: HSSD objects to the phrase "any of its employees, officers, directors, agents, attorneys, predecessors and representatives" to the extent that it includes persons or seeks information which is protected by the attorney-client privilege, work product doctrine, consulting expert privilege, or any other applicable legal protection or privilege. Subject to and without waiving the foregoing objections, HSSD will produce any relevant, responsive and non-privileged documents within its possession or control.

INTERROGATORIES

1. Identify each person who participated in providing any information to answer any of these Interrogatories, First Requests For Admission and/or First Set of Requests For Production on the Class Certification Issues.

ANSWER: The following people participated in answering/responding to these Interrogatories, First Requests For Admission, and First Set of Requests For Production on the Class Certification Issues:

Ken Dulle and Donna Kinder, with the assistance of counsel.

2. Identify each of the "at least 80 other water districts that have faced similar situations [and] are keen to join the suit," mentioned by Plaintiff's attorney in the attached article published in *Pesticide & Toxic Chemical News*.

ANSWER: Plaintiff objects to all interrogatories that are directed to Plaintiff's counsel, not HSSD. Under Illinois discovery practice, interrogatories are

addressed to parties, not their counsel. HSSD has no personal knowledge of the other water districts mentioned in the news article.

3. Identify any putative class members, if any, in addition to those listed in response to Interrogatory No. 2.

AMENDED ANSWER: Putative class members are identified in the Second Amended Complaint, where the class is defined as follows:

The following public water suppliers, the number in the aggregate being less than one hundred, who have suffered atrazine contamination of their surface water source(s) at any measurable level:

City of Altamont, Illinois;
Alto Pass Water District;
Aqua Illinois, Inc.;
Village of Ashland, Illinois;
City of Ashley, Illinois;
Village of Blandinsville, Illinois;
City of Bloomington, Illinois;
City of Breese, Illinois;
City of Canton, Illinois;
City of Carlinville, Illinois;
City of Carlyle, Illinois;
City of Carthage, Illinois;
City of Centralia, Illinois;
City of Chester, Illinois;
Clearview Subdivision, Illinois;
Village of Coulterville, Illinois;
City of Decatur, Illinois;
City of East Moline, Illinois;
City of Effingham, Illinois;
City of Evansville, Illinois;
City of Fairfield, Illinois;
Village of Farina, Illinois;

City of Flora, Illinois;
Gateway Regional Water Company;
City of Gillespie, Illinois;
City of Greenfield, Illinois;
Village of Hettick, Illinois;
City of Highland, Illinois;
City of Hillsboro, Illinois;
Holiday Shores Sanitary District;
Illinois-American Water Company;
Kaskaskia Water District;
Village of Keyesport, Illinois;
Kinkaid Area Water System;
City of Kinmundy, Illinois;
City of Litchfield, Illinois;
City of Macomb, Illinois;
City of Marion, Illinois;
City of Mattoon, Illinois;
City of Mount Olive, Illinois;
City of Nauvoo, Illinois;
Village of New Berlin, Illinois;
Village of Oakwood
City of Olney, Illinois;
Otter Lake Water Commission;
Palmyra-Modesto Water Commission;
City of Paris, Illinois;
City of Patoka, Illinois;
City of Pinckneyville, Illinois;
City of Pittsfield, Illinois;
City of Quincy, Illinois;
Rend Lake Inter-City Water Company;
City of Salem, Illinois;
S L M Water Commission;
Town of Shipman, Illinois

Village of Sorento, Illinois;
City of Sparta, Illinois;
City of Springfield, Illinois;
City of Staunton, Illinois;
City of Vandalia, Illinois;
Vienna Correctional Center
City of Warsaw, Illinois;
City of Waverly, Illinois;
Village of Wayne City, Illinois;
Village of West Salem, Illinois;
City of Wilmington, Illinois.

Plaintiff's investigation continues, and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this interrogatory in accordance with Illinois rules.

4. As to you and each water district identified in response to Interrogatory Nos. 2 and 3, please:

THIRD AMENDED ANSWER: Plaintiff objects as putative class members are not subject to discovery under Illinois Rules. Subject to and without waiving these objections, Plaintiff responds as follows:

- a) state whether you have exchanged communication about this litigation, about any of the Defendants, or about any issue in this litigation, and provide a complete description of each such communication; setting forth with whom you communicated, when you did and what was communicated;

ANSWER: Plaintiff knows of no communication between HSSD and any putative class members concerning any issue of this litigation or any of the Defendants.

Plaintiff's investigation continues, and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this interrogatory in accordance with Illinois rules.

- b) identify each putative class member, including you, who has at any time from its legal creation to the present used granular activated carbon (GAC) for any purpose;

SECOND AMENDED ANSWER: HSSD has used granular activated carbon.

- c) specify each calendar year during which you and each putative class member has used GAC for any purpose from its legal creation to the present;

ANSWER: HSSD has utilized a GAC filtration system during each calendar year from 1996 through the present.

Plaintiff's investigation continues, and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this interrogatory in accordance with Illinois rules.

- d) describe all purposes for which you and each putative class member has used GAC and all benefits you and each putative class member received from the use of GAC for each year from its legal creation to the present;

ANSWER: Plaintiff further objects to this subpart on the ground that this Interrogatory is premature, as it concerns complex scientific and legal issues that are subject to expert testimony, and experts have not yet been designated in this case. Plaintiff further objects to this request to the extent that it seeks information relating to and/or developed by consultants retained by Plaintiff for purposes of litigation. Subject to and without waiving these objections, the General Objections, and any applicable privilege, and reserving its right to supplement this Answer as discovery develops, Plaintiff responds as follows:

Plaintiff installed and began using GAC in 1996 after being informed by the Illinois Environmental Protection Agency (IEPA) that atrazine was a potential human health and environmental hazard, and that the levels of atrazine in Plaintiff's finished water had exceeded the MCL. Since 1996, HSSD has used GAC solely for the purpose of reducing the level of atrazine in its finished water to the lowest possible level. Plaintiff receives the side-benefit from the use of GAC of improving the taste and odor and of impacting the presence of other chemicals in the finished water. Plaintiff refers Defendant

to Response to Request for Production No. 3 regarding GAC documents.

Plaintiff will disclose expert opinions and information supporting such expert opinions at the appropriate time in accordance with Supreme Court Rule 213 and in compliance with any scheduling order or other order entered by the Court.

Plaintiff's investigation continues, and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this interrogatory in accordance with Illinois rules.

- e) state all labor, equipment, and other costs you and each putative class member has incurred for each year from its legal creation to the present in regard to its use of GAC generally;

THIRD AMENDED ANSWER:

See Response to Request for Production No. 3 regarding GAC documents;

See Response to Request for Production No. 5 regarding Henry, Meisenheimer and Gende, Inc.

Plaintiff's investigation continues and discovery is continuing and ongoing. Plaintiff reserves the right to supplement these responses in accordance with Illinois rules.

Plaintiff will disclose expert opinions and information supporting such expert opinions at the appropriate time in accordance with Supreme Court Rule 213 and in compliance with any scheduling order or other order entered by the Court.

- f) state all labor, equipment, and other costs you and each putative class member has incurred for each year in regard to its use of GAC specifically for atrazine removal;

THIRD AMENDED ANSWER:

See Response to Request for Production No. 3 regarding GAC documents;

See Response to Request for Production No. 5 regarding Henry, Meisenheimer and Gende, Inc.

Plaintiff's investigation continues and discovery is continuing and ongoing. Plaintiff reserves the right to supplement these responses in accordance with Illinois rules.

Plaintiff will disclose expert opinions and information supporting such expert opinions at the appropriate time in accordance with Supreme Court Rule 213 and in compliance with any scheduling order or other order entered by the Court.

- g) state when and why you and each putative class member initially installed any GAC technology;

ANSWER: In 1996, Plaintiff installed and began using GAC after being informed by the Illinois Environmental Protection Agency (IEPA) that atrazine was a potential human health and environmental hazard, and that the level of atrazine in HSSD's finished water had exceeded the MCL for atrazine.

Plaintiff's investigation continues and discovery is continuing and ongoing. Plaintiff reserves the right to supplement these responses in accordance with Illinois rules.

- h) identify each putative class member, including you, who has at any time from its legal creation to the present used powered activated carbon (PAC) for any purpose;

ANSWER: HSSD has used powdered activated carbon.

Plaintiff's investigation continues and discovery is continuing and ongoing. Plaintiff reserves the right to supplement these responses in accordance with Illinois rules.

- i) specify each calendar year during which you and each putative class member has used PAC for any purpose from its legal creation to the present;

AMENDED ANSWER: Upon information and belief, Plaintiff used PAC in 1995, and may have used PAC at other times prior to 1996. Plaintiff's investigation continues, and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this Interrogatory in accordance with Illinois Supreme Court Rules.

- j) describe all purposes for which you and each putative class member has used PAC and all benefits you and each putative class member received from the use of PAC for each year from its legal creation to the present;

AMENDED ANSWER: Plaintiff further objects to this subpart on the ground that this Interrogatory is premature, as it concerns complex scientific and legal issues that are subject to expert testimony, and experts have not yet been designated in this case. Plaintiff further objects to this request to the extent that it seeks information relating to and/or developed by consultants retained by Plaintiff for purposes of litigation. Subject to and without waiving these objections, Plaintiff responds:

Upon information and belief, Plaintiff began using PAC to improve the taste and odor of the water. Upon information and belief, Plaintiff used PAC to decrease the amount of atrazine in its finished water.

Plaintiff's investigation continues and discovery is continuing and ongoing. Plaintiff reserves the right to supplement these responses in accordance with Illinois rules.

Plaintiff will disclose expert opinions and information supporting such expert opinions at the appropriate time in accordance with Supreme Court Rule 213 and in compliance with any scheduling order or other order entered by the court.

- k) state all labor, equipment, and other costs you and each putative class member has incurred for each year from its legal creation to the present in regard to its use of PAC generally; and

THIRD AMENDED ANSWER:

Plaintiff's investigation continues and discovery is continuing and ongoing. Plaintiff reserves the right to supplement these responses in accordance with Illinois rules.

Plaintiff will disclose expert opinions and information supporting such expert opinions at the appropriate time in accordance with Supreme Court Rule 213 and in compliance with any scheduling order or other order entered by the court.

- l) state all labor, equipment, and other costs you and each putative class member has incurred for each year in regard to its use of PAC specifically for atrazine removal.

THIRD AMENDED ANSWER:

Plaintiff's investigation continues and discovery is continuing and ongoing. Plaintiff reserves the right to supplement these responses in accordance with Illinois rules.

Plaintiff will disclose expert opinions and information supporting such expert opinions at the appropriate time in accordance with Supreme Court Rule 213 and in compliance with any scheduling order or other order entered by the court.

5. Other than activated carbon, have you or any other putative class member ever used any other treatment technology to remove atrazine? If so, please set forth:

- a) specifically what was used;
- b) during which calendar years each treatment technology was used;
- c) why each technology was used; and
- d) the labor, equipment, and other costs incurred each year by each putative class member as a result of the use of each such technology.

THIRD AMENDED ANSWER: Plaintiff objects as putative class members are not subject to discovery under Illinois Rules. Subject to and without waiving these objections, Plaintiff responds as follows:

Plaintiff is not aware of any other treatment technology that HSSD has used up to the present time specifically to remove atrazine from Plaintiff's finished water.

Plaintiff's investigation continues, and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this interrogatory in accordance with Illinois rules.

6. Please identify the following persons:

THIRD AMENDED ANSWER: Plaintiff objects as putative class members are not subject to discovery under Illinois Rules. Subject to and without waiving these objections Plaintiff responds as follows:

- a) each lay witness as defined by Illinois Supreme Court Rule 213(f)(1) that you will or may rely upon to support class certification, whether by testimony in court, affidavit, deposition, or otherwise;

ANSWER: Plaintiff further objects to this subpart on the ground that this Interrogatory is premature, as discovery is ongoing, and lay witnesses have not yet been designated in this case. Subject to and without waiving these objections, the General Objections, and any applicable privilege, and reserving its right to supplement this Answer as discovery develops, Plaintiff will produce this information at the appropriate time in compliance with any scheduling order or other order entered by the Court.

- b) each expert witness, as defined by Illinois Supreme Court Rule 213(f)(2) and 213(f)(3), that you will or may rely upon to support class certification, whether by testimony in court, affidavit, deposition or otherwise;

ANSWER: Plaintiff further objects to this subpart on the ground that this Interrogatory is premature, as experts have not yet been designated in this case. Subject to and without waiving these objections, the General Objections, and any applicable privilege, and reserving its right to supplement this Answer as discovery develops, Plaintiff will produce this information at the appropriate time in compliance with any scheduling order or other order entered by the Court.

- c) all persons who have been involved in any monitoring, sampling or testing of your raw or finished water, or the source(s) of such

water, for any reason at any time during the alleged class period;

ANSWER: Plaintiff responds: The following persons have been involved in monitoring, sampling, and/or testing Plaintiff's water:

Syngenta Crop Protection
ADPEN Laboratories
Novartis Crop Protection
Ken Dulle
Mike Smith
Joe Urban
Tom Aaron
Mark Weirich
PDC Laboratories, Inc.
TekLab
Dallas Haynes
Allan Weder

Plaintiff's investigation continues and discovery is continuing and ongoing. Plaintiff reserves the right to supplement these responses in accordance with Illinois rules.

- d) all persons who have been involved in any monitoring, sampling or testing of any putative class member's raw or finished water, or the source(s) of such water, for any reason at any time during the alleged class period; and

ANSWER: Plaintiff responds: Upon information and belief, Syngenta Crop Protection, ADPEN Laboratories, and Novartis Crop Protection.

Plaintiff's investigation continues and discovery is continuing and ongoing. Plaintiff reserves the right to supplement these responses in accordance with Illinois rules.

- e) all other persons, other than the defendant propounding this discovery, who have been involved in any monitoring, sampling

or testing for atrazine at any location within the State of Illinois at any time during the alleged class period, setting forth where, when and why each such activity was done by whom.

AMENDED ANSWER: See Plaintiff's Response to Interrogatory No. 6(c). Plaintiff's investigation continues, and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this interrogatory in accordance with Illinois Supreme Court Rules.

7. For each expert witness that will or may be relied on to support class certification, whether by live testimony, affidavit, deposition, or otherwise, provide the following:

- a) a full description of each expert's opinions, and all testimony expected to be given as to each such opinion.
- b) a full description of all bases underlying each opinion, and all facts relating to each opinion - whether tending to support or refute that opinion.
- c) identification of all documents the expert has received or reviewed in connection with forming the expert's opinions or preparing for the expert's testimony.
- d) identification of any textbook, paper, internet site, citation, database, report, computer program, or other material the expert intends to rely on to support any opinion, providing the exact title, date of publication, author and publisher, and the specific section(s), chapter(s) and page(s) to be relied on.

THIRD AMENDED ANSWER: Plaintiff objects to this Interrogatory on the ground that it is premature, as experts have not yet been designated in this case. Subject to and without waiving these objections, the General Objections, and any applicable privilege, and reserving its right to supplement this Answer as discovery develops, Plaintiff will produce this information at the appropriate time in compliance with any scheduling order or other order entered by the Court.

8. As to Defendant's Requests For Admission, if your response to each particular Request was anything other than an unqualified admission, state every fact known to you that supports your denial or response to each such Request.

ANSWER: See Plaintiff's response to Interrogatory No. 4 concerning its response to Defendant's Requests For Admissions Nos. 1, 2, and 3. Plaintiff denies Request for Admission Nos. 4(b) through 4(g) because Plaintiff filed this lawsuit in 2004 in which it alleged that atrazine levels below 3 ppb may be harmful to human health. This lawsuit is and always has been public. Additionally, the lawsuits have been discussed during public meetings of the Board of Trustees of HSSD. Plaintiff denies Request for Admission No. 5 because HSSD has stopped serving drinking water at any level below 3 ppb because they filter their water when the raw water contains atrazine at any level, including at levels below 3ppb, in order to get the atrazine level in their finished water as low as possible.

Plaintiff's investigation continues, and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this interrogatory in accordance with Illinois rules.

9. Identify and fully describe every item of damage, and each specific amount of such damages, that you and each putative class member seek in this litigation, along with the basis for that amount claimed.

SECOND AMENDED ANSWER: Plaintiff objects to this Interrogatory on the grounds that this Interrogatory is premature, because it concerns complex issues that are subject to expert testimony, and experts have not yet been designated in this case. Plaintiff further objects to this request to the extent that it seeks information relating to and/or developed by consultants retained by Plaintiff for purposes of litigation. Plaintiff further objects as putative class members are not subject to discovery under Illinois Rules.

Subject to and without waiving these objections, see Plaintiff's Responses to Request for Production No. 3, Request for Production No. 5, Request for Production 25, and Request for Production 61. Plaintiffs' investigation continues, and discovery is continuing and ongoing. Further, Plaintiff will disclose expert opinions and information supporting such expert opinions at the appropriate time in accordance with Supreme Court Rule 213 and in compliance with any scheduling order or other order entered by the Court.

10. Set forth all dates on which you and any putative class members have taken any samples of raw or finished water during the alleged class period to determine the presence of atrazine, specify the actual level of atrazine detected in any such samples, and explain the reason(s) that each sample was taken.

THIRD AMENDED ANSWER: Plaintiff further objects as putative class members are not subject to discovery under Illinois Rules. Subject to and without waiving these objections, Plaintiff responds as follows:

See Response to Request for Production No. 7 regarding Testing documents.

Plaintiff's investigation continues, and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this interrogatory in accordance with Illinois rules.

11. Describe in detail the empty bed contact time (EBCT) for your GAC and/or GAC filters since January 1, 1997. If the EBCT has changed at any time from January 1, 1997 to the present, please explain when it changed, the nature of each change, and the reason for each change.

THIRD AMENDED ANSWER:

See Response to Request for Production No. 3 regarding GAC documents.

Plaintiff's investigation continues, and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this interrogatory in accordance with Illinois rules.

12. Identify all chemicals, substances, products and contaminants that have been removed from your raw water by your activated carbon or other filters during each separate calendar year since January 1, 1997.

THIRD AMENDED ANSWER:

Plaintiff does not use activated carbon for the purpose of removing chemicals other than atrazine from its finished water. To the extent that any other

chemical in Plaintiff's raw water is possibly removed by Plaintiff's activated carbon filtration systems, Plaintiff has provided testing documents concerning the other chemicals for which it tests in its Response to Request for Production No. 55. Plaintiff's investigation continues and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this Interrogatory in accordance with Illinois Supreme Court Rules.

13. Identify each person with whom you have communicated regarding whether atrazine does or does not pose a risk to human health if found in drinking water at any level below the MCL of 3 parts per billion. In answering this Interrogatory, please: (i) identify all persons involved in the communication; (ii) identify the date of the communication; (iii) describe the mode of communication (*i.e.*, written or verbal); and (iv) specify the substance of the communication (*i.e.*, atrazine does or does not pose a risk).

THIRD AMENDED ANSWER: Plaintiff objects to this Interrogatory on the ground that it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, and consulting expert privilege. Subject to and without waiving these objections, Plaintiff responds as follows:

Plaintiff wrote a letter to its customers in 1995 stating that atrazine was safe at levels below 3 ppb because that was the information that Plaintiff had at that time. Since then, Plaintiff has learned that atrazine in water may pose health and environmental hazards at all exposure levels, including levels below 3 ppb. As soon as Plaintiff became aware of the fact that atrazine was unsafe in levels below 3 ppb, Plaintiff filed this lawsuit and provided such information in the publically filed complaint. Plaintiff also discussed the existence of this lawsuit during public meetings of its Board of Trustees.

Additionally, Plaintiff provides Consumer Confidence Reports to its customers in accordance with state and federal regulations.

See also Plaintiff's response to Request for Production No. 7.

Plaintiff's investigation continues, and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this interrogatory in accordance with Illinois rules.

14. State in detail all facts that support your claims that any atrazine found in your raw or finished drinking water at any time from your legal creation to the present can be identified as having been manufactured or sold by Syngenta and/or GROWMARK as opposed to another person.

SECOND AMENDED ANSWER: Plaintiff objects to this Interrogatory on the grounds that it seeks information protected from disclosure by the work product doctrine and the consulting expert privilege. Plaintiff also objects on the grounds that this Interrogatory is premature, because it concerns complex scientific and legal issues that are subject to expert testimony, and experts have not yet been designated in this case. Subject to and without waiving these objections, Plaintiff responds as follows:

Plaintiff is not involved in the manufacture, sale, or distribution of atrazine or atrazine-containing products. However, Syngenta has repeatedly admitted to being a manufacturer of atrazine raw product that is sold in the State of Illinois and throughout the United States. By Syngenta's own admissions in Defendant Syngenta Crop Protection Inc.'s Answer, Affirmative Defenses and Other Affirmative Matters to Plaintiff's First Amended (by Interlineation) Class Action Complaint and in their discovery responses, Syngenta acknowledged selling atrazine throughout the State of Illinois and in Madison County, Illinois, the location of Holiday Shores Sanitary District. This Interrogatory is subject to further discovery of Syngenta and its distributors. It is also subject to expert analysis and opinion which will be provided subject to Supreme Court Rule 213 and in compliance with any scheduling order or other order entered by the Court.

15. Describe all facts that support the allegations in paragraph 19 of the Amended Complaint as to you and each putative class member.

THIRD AMENDED ANSWER: Plaintiff objects to this Interrogatory on the ground that it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, and consulting expert privilege. Plaintiff also objects on the grounds that this Interrogatory is premature, because it concerns complex scientific and legal issues that are subject to expert testimony, and experts have not yet been designated in this case. Plaintiff further objects to this Interrogatory to the extent that it seeks information relating to and/or developed by consultants retained by Plaintiff for purposes of litigation. Plaintiff further objects as putative class members are not subject to discovery under Illinois Rules. Subject to and without waiving these objections, Plaintiff responds as follows:

When Ken Dulle of Du-Con began the day-to-day operations of HSSD's water treatment facility, he began doing research concerning atrazine in order to find out how atrazine affected surface water and how it would be best removed from the system. In 2002 or 2003, he read about research conducted on frogs. After his research, he concluded that the MCL for atrazine would not be raised by the EPA and that Holiday Shores should remove atrazine from its water to the lowest level possible.

Plaintiff will disclose information supporting such expert opinions at the appropriate time in accordance with Supreme Court Rule 213 and in compliance with any scheduling order or other order entered by the Court.

16. Identify and fully describe all misrepresentations allegedly made by each Defendant, providing without limitation the following information:

- a) The individual and Defendant who made each misrepresentation.
- b) The date on which each misrepresentation was made.
- c) Why each misrepresentation was material to you and each member of the putative class and
- d) When and how you and each putative class member specifically relied upon each such alleged misrepresentation to your or its detriment.

THIRD AMENDED ANSWER: Plaintiff objects as putative class members are not parties to the case and are not subject to discovery under Illinois Rules. Subject to and without waiving these objections, Plaintiff responds as follows:

See Response to Request for Production No. 57. Plaintiff additionally responds that the Defendants have continuously asserted that use of atrazine is safe and that there is no adverse human health effect from the use of atrazine. Defendants have admitted making these statements during the course of this litigation, as stated by Defendant Syngenta in its Answers, Affirmative Defenses, and Other Affirmative Matters to Plaintiff's First Amended (by Interlineation) Class Action Complaint. Upon information and believe, prior to or shortly after the time that Syngenta released atrazine for sale in Illinois, it became aware that atrazine does not readily bind to soil and has a propensity to run off into surface water. As a result, Syngenta knew or suspected that atrazine would contaminate the raw drinking water of public water providers like the Plaintiff and Class Members who use

surface water sources to provide drinking water to the public. Upon information and belief, Syngenta knew or suspected that atrazine would contaminate raw drinking water even when atrazine was used as intended or directed by Syngenta. After water testing data confirmed that atrazine was contaminating surface water and hence the raw drinking water of public water providers, Syngenta continued to manufacture, market, and sell atrazine in the same form. Syngenta has been independently testing public water providers' raw water as part of the Ecological Watershed Monitoring Program and the PLEX Monitoring Program since at least 1993. Syngenta's testing data was only made publicly available in 2009. The data from the Ecological Watershed Monitoring Program identified 1,172 watersheds at high risk of atrazine contamination across the United States. Forty of these at-risk watersheds, in nine states including Illinois, were selected for an enhanced testing program. The three-year program revealed that atrazine was pervasive in every one of the 40 watersheds. Thirty-one of these watersheds had concentrations of atrazine higher than 1 part per billion (ppb) and nine watersheds had peak readings as high as 100 ppb. The highest atrazine concentration was measured at 237.5 ppb. Syngenta's data showed that atrazine concentrations in surface water peaked during the spring planting months when atrazine use was most prevalent. Syngenta did not inform Plaintiff or Class Members of either the data in its possession or of the seasonal variation of atrazine contamination. Upon information and belief, Syngenta is in possession of the information concerning these statements, including when these statements were made, to whom the statements were made, and who made the statements. Plaintiff has requested this information from Defendant in its own discovery requests.

Plaintiff's investigation continues, and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this interrogatory in accordance with Illinois Rules.

17. Identify and fully describe all facts allegedly concealed by each Defendant, providing without limitation the following information:

- a) Each Defendant and each employee or representative of the Defendant allegedly with knowledge of the omitted fact.
- b) The date on which each Defendant first became aware of the omitted fact.
- c) How each Defendant first became aware of the allegedly omitted fact.

- d) Why each omitted fact was material to you and each member of the putative class.

THIRD AMENDED ANSWER:

See Response to Request for Production No. 57.

Plaintiff additionally responds that the Defendants have continuously asserted that use of atrazine is safe and that there is no adverse human health effect from the use of atrazine. Defendants have conversely denied that atrazine causes adverse effects to reproductive systems; denied that atrazine affects genetic development; denied that atrazine affects chromosome structure; denied that atrazine is estrogenic; and denied that atrazine disrupts endocrine function. Syngenta admitted making statements to this effect during the course of this litigation, as stated by Defendant Syngenta in its Answers, Affirmative Defenses, and Other Affirmative Matters to Plaintiff's First Amended (by Interlineation) Class Action Complaint. Upon information and belief, prior to or shortly after the time that Syngenta released atrazine for sale in Illinois, it became aware that atrazine does not readily bind to soil and has a propensity to run off into surface water. As a result, Syngenta knew or suspected that atrazine would contaminate the raw drinking water of public water providers like the Plaintiff and Class Members who use surface water sources to provide drinking water to the public. Upon information and belief, Syngenta knew or suspected that atrazine would contaminate raw drinking water even when atrazine was used as intended or directed by Syngenta. After water testing data confirmed that atrazine was contaminating surface water and hence the raw drinking water of public water providers, Syngenta continued to manufacture, market, and sell atrazine in the same form. Syngenta has been independently testing public water providers' raw water as part of the Ecological Watershed Monitoring Program and the PLEX Monitoring Program since at least 1993. Syngenta's testing data was only made publicly available in 2009. The data from the Ecological Watershed Monitoring Program identified 1,172 watersheds at high risk of atrazine contamination across the United States. Forty of these at-risk watersheds, in nine states including Illinois, were selected for an enhanced testing program. The three-year program revealed that atrazine was pervasive in every one of the 40 watersheds. Thirty-one of these watersheds had concentrations of atrazine higher than 1 part per billion (ppb) and nine watersheds had peak readings as high as 100 ppb. The highest atrazine concentration was measured at 237.5 ppb. Syngenta's data showed that atrazine concentrations in surface water peaked during the spring planting months when atrazine use was most prevalent. Syngenta did not inform Plaintiff or Class Members of either the data in its possession or of the seasonal variation of atrazine contamination.

Upon information and belief, Syngenta is in possession of the information concerning these statements, including when these statements were made, to whom the statements were made, and who made the statements. Plaintiff has requested this information from Defendant in its own discovery requests.

Plaintiff's investigation continues, and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this interrogatory in accordance with Illinois Rules.

18. State how Defendants' alleged invasion of your and each putative class member's property has affected the "use and enjoyment" of the property, as alleged in paragraph 14 of the Amended Complaint.

ANSWER: Plaintiff objects on the grounds that this Interrogatory is premature, because it concerns complex scientific and legal issues that are subject to expert testimony, and experts have not yet been designated in this case. Plaintiff further objects to this Interrogatory to the extent that it seeks information relating to and/or developed by consultants retained by Plaintiff for purposes of litigation. Plaintiff further objects as putative class members are not subject to discovery under Illinois Rules. Subject to and without waiving these objections, Plaintiff further responds as follows:

Defendants' invasion has impacted Plaintiff's use and enjoyment of its property because atrazine is not an approved water additive, and Plaintiff has had to spend money, build new facilities and install new equipment, and spend valuable man hours to remove the atrazine from its water. Further, Plaintiff owns valuable lake front property that is now occupied by a GAC filtration system and a large basin of water necessary for conducting backwashing.

Plaintiff's investigation continues and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this interrogatory in accordance with Illinois rules.

Further, Plaintiff will disclose expert opinions and information supporting such expert opinions at the appropriate time in accordance with Supreme Court Rule 213 and in compliance with any scheduling order or other order entered by the Court.

19. Identify each of your officers, directors, trustees, employees, consultants or officials who were in any way involved in any decision or action of

any kind that you took during the alleged class period pertaining in any way to atrazine. In responding to this Interrogatory, please state the specific involvement or action taken by each person and when such involvement or action occurred.

THIRD AMENDED ANSWER: Plaintiff objects to this Interrogatory to the extent that it seeks information relating to and/or developed by consultants retained by Plaintiff for purposes of litigation. Subject to and without waiving these objections, Plaintiff responds as follows:

Ben Cooper, Gene Magac, and Charles Votruba, Trustees of Holiday Shores Sanitary District when this lawsuit was filed;

Sheppard, Morgan and Schwab, consulting/engineering firm that designed Plaintiff's first GAC system in 1996. *See* Response to Request for Production No. 5;

Henry, Meisenheimer and Gende, Inc., consulting/engineering firm that is designing Plaintiff's new GAC system. *See* Response to Request for Production No. 5;

Dennis Van Sandt, Greg Christakos, Jeff Sedlacek, present members of the HSSD Board of Trustees, responsible for making decisions regarding facility expansion, revisions, and management;

Robert Hollingsworth, former Trustee of HSSD

Michael Firsching, former Trustee of HSSD

Harold Hogue (DEC), past Trustee of HSSD

Ken Dulle, Du-Con contractor and current Utility Manager, responsible for operation of Facility;

Donna Kinder, HSSD Clerk, 2002 to present; and

Michael C. Smith, Utility Manager from 1992 - 2002.

Plaintiff's investigation continues and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this interrogatory in accordance with Illinois rules.

20. During the alleged class period, are you aware of any atrazine manufacturers or atrazine registrants other than Defendants that have manufactured, produced or are producing atrazine for use in Illinois? If so, identify each one of them and state the time period when each made atrazine or was a registrant of atrazine.

SECOND AMENDED ANSWER: Plaintiff objects on the grounds that this Interrogatory seeks information protected from disclosure by the work product doctrine and the consulting expert privilege. Subject to and without waiving these objections, Plaintiff responds as follows:

Plaintiff's investigation continues and discovery is continuing and ongoing, and Plaintiff reserves the right to supplement this Answer in accordance with Illinois Supreme Court Rules.

21. Describe your document retention policy. In your response, please discuss where documents pertaining to atrazine are located, who is responsible for maintaining these documents, whether any documents pertaining to atrazine have been destroyed, who destroyed any such documents, when was such action taken and why.

THIRD AMENDED ANSWER: Individuals who maintained documents prior to 2002 are no longer working at the Facility, and to the best of Plaintiff's knowledge, there was no formal document retention policy that could be located. As of 2002, Donna Kinder has maintained the documents at the Facility and in accordance with the Local Records Act. Records logs can be found in documents produced in Response to Request for Production of Documents No. 54.

Plaintiff's investigation continues and discovery is continuing and ongoing, and Plaintiff reserves the right to supplement this Answer in accordance with Illinois Supreme Court Rules.

22. Describe any inquiries or complaints by consumers, employees, contractors, or other persons or entities regarding any adverse human health effects from drinking finished water provided by you. For each such complaint, describe:

- a) Who made the complaint/inquiry, and when each made it;
- b) To whom the complaint/inquiry was directed;
- c) The nature of each complaint/inquiry;
- d) Your response to the complaint/inquiry; and
- e) Which complaint/inquiry, if any, related to atrazine.

ANSWER: Plaintiff's investigation continues and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this Interrogatory in accordance with Illinois Supreme Court Rules.

23. Fully describe each and every action taken by you and each putative class member when and why to mitigate, avoid and/or minimize the alleged actual and/or potential exposure to, and damages resulting from, the alleged presence of atrazine in the water source, raw or finished drinking water or other property.

THIRD AMENDED ANSWER: Plaintiff objects to this Interrogatory to the extent that it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, and consulting expert privilege. Plaintiff further objects as putative class members are not subject to discovery under Illinois Rules. Subject to and without waiving these objections, Plaintiff responds as follows:

Plaintiff installed a GAC system in 1996, has performed regular water sampling and testing, has updated filtering equipment, has changed out the carbon, has updated the system to allow for backwashing, and is in the process of installing a new water treatment facility with a GAC system and other filtration for the removal of atrazine from its water. Further, Plaintiff filed this lawsuit against Defendants to recover damages related to the removal of atrazine from Plaintiff's water.

Further, see Responses to Request for Production No. 3, Request for Production No. 5, and Request for Production No. 7

Plaintiff's investigation continues and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this Answer in accordance with Illinois Supreme Court Rules.

24. Fully describe each and every action taken by you and which particular putative class member, if any, from January 1, 2004 to the present to remove atrazine from your (its) raw or finished drinking water down to a non-detect level before providing the finished drinking water to any consumers, customers and/or purchasers and why each such action was taken when by whom.

THIRD AMENDED ANSWER: Plaintiff objects to this Interrogatory to the extent that it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, and consulting expert privilege. Plaintiff further objects as putative class members are not subject to discovery under Illinois Rules. Subject to and without waiving these objections Plaintiff responds as follows:

Since January 1, 2004, Plaintiff has maintained its 1996 GAC system, which it continues to use to remove the amount of atrazine in water to below 3 ppb. Plaintiff removes atrazine from its finished water to the lowest level that its current technology allows. Recently, Plaintiff hired engineering and design consultants to design a water treatment facility, including a new GAC system and other filtration that HSSD hopes will remove all detectable atrazine from its finished water. Plaintiff does not presently possess the technology nor the funding to remove atrazine from its raw water to a non-detect level before providing the finished drinking water to its customers.

Further, see Responses to Request for Production No. 3, Request for Production No. 5 and Request for Production No. 7 regarding Testing documents

Plaintiff's investigation continues and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this Answer in accordance with Illinois rules.

25. Fully describe how you and each particular putative class member were first made aware that atrazine is allegedly unsafe for humans when found in drinking water at any measurable level below the MCL. In responding to this

Interrogatory, please provide: a) The date or time in which you and each putative class member formed such a belief; b) All person(s) who provided any information that contributed to forming such a belief; and c) The date, time and place of all meetings at which you and each putative class member were provided any such information identifying all persons present, and describing fully the content of any discussions taking place at each such meeting.

THIRD AMENDED ANSWER: Plaintiff objects to this Interrogatory on the ground that it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, and consulting expert privilege. Plaintiff further objects as putative class members are not subject to discovery under Illinois Rules. Subject to and without waiving these objections, Plaintiff responds as follows:

When Ken Dulle of Du-Con began the day-to-day operations of HSSD's water treatment facility, he began doing research concerning atrazine in order to find out how atrazine affected surface water and how it would be best removed from the system. In 2002 or 2003, he read about research conducted on frogs. After his research, he concluded that the MCL for atrazine would not be raised by the EPA and that Holiday Shores should remove atrazine from its water to the lowest level possible.

Plaintiff investigation is continuing, and discovery is continuing and ongoing. Plaintiff reserves the right to supplement this Answer in accordance with Illinois Supreme Court Rules.

26. Identify each and every specific human health effect that you and each putative class member claim potentially results from drinking water containing atrazine at any measurable level below the MCL of 3 ppb. In responding to this Interrogatory, identify the specific factual support linking each such alleged health effect to drinking water containing atrazine at any measurable level below the MCL.

THIRD AMENDED ANSWER: Plaintiff objects to this Interrogatory on the ground that it is protected from disclosure by the attorney-client privilege, work product doctrine, and consulting expert privilege, and on the ground that this Interrogatory is premature, as it concerns complex scientific and legal issues that

are subject to expert testimony, and experts have not yet been designated in this case. Plaintiff further objects to this request to the extent that it seeks information relating to and/or developed by consultants retained by Plaintiff for purposes of litigation. Plaintiff further objects as putative class members are not subject to discovery under Illinois Rules. Subject to and without waiving objections, Plaintiff will disclose information supporting such expert opinions at the appropriate time in accordance with Supreme Court Rule 213 and in compliance with any scheduling order or other order entered by the Court.

DATED: June 30, 2010

Respectfully submitted,

BY: Christie Deaton

KOREIN TILLERY, LLC

Stephen M. Tillery, Illinois Bar #2834995
Christine J. Moody, Illinois Bar #6211904
Christie R. Deaton, Illinois Bar #6276456
One U.S. Bank Plaza
505 North 7th Street, Suite 3600
St. Louis, MO 63101-1625
Telephone: (314) 241-4844
Facsimile: (314) 241-3525

– and –

BARON & BUDD, PC

Scott Summy, Texas Bar #19507500
Celeste Evangelisti, Texas Bar #00793706
Chad West, Texas Bar #24049083
The Centrum
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219
Telephone: (214) 521-3605
Facsimile: (214) 520-1181 (fax)
Attorneys for the Plaintiffs

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT OF ILLINOIS
MADISON COUNTY

HOLIDAY SHORES SANITARY DISTRICT,)
Individually and on behalf of all others)
similarly situated,)

Plaintiff,)

Cause No. 2004-L-000710

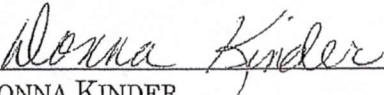
v.)

SYNGENTA CROP PROTECTION, INC.)
and GROWMARK, INC.,)

Defendants.)

AFFIDAVIT OF DONNA KINDER

I, DONNA KINDER, being first duly sworn upon my oath, depose and state that I have read the foregoing Plaintiff Holiday Shores Sanitary District's Third Amended Objections and Answers to Defendant Syngenta Crop Protection, Inc.'s First Set of Interrogatories on The Class Certification Issues, and that the information contained therein is correct to the best of my knowledge, information and belief.

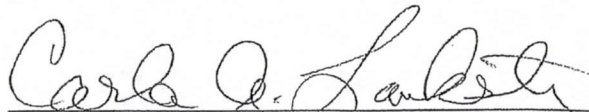

DONNA KINDER

STATE OF ILLINOIS)
) ss.
COUNTY OF Madison)

Subscribed and sworn to before me, a Notary Public, this 30th day of June, 2010.



My commission expires:


NOTARY PUBLIC

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT OF ILLINOIS
MADISON COUNTY

HOLIDAY SHORES SANITARY DISTRICT; CITY OF)
FLORA, ILLINOIS; CITY OF FAIRFIELD, ILLINOIS;))
CITY OF FAIRFIELD, ILLINOIS; CITY OF)
HILLSBORO, ILLINOIS; CITY OF MATTOON,)
ILLINOIS; CITY OF LITCHFIELD, ILLINOIS;)
and CITY OF MOUNT OLIVE, ILLINOIS)
Individually and on behalf of all others)
similarly situated,)

Plaintiff,)

Cause No. 2004-L-000710

v.)

SYNGENTA CROP PROTECTION, INC.)
and GROWMARK, INC.,)

Defendants.)

CERTIFICATE OF SERVICE

The undersigned certifies that true copies of the Plaintiff Holiday Shores Sanitary District's Third Amended Objections and Answers to Defendant Syngenta Crop Protection, Inc.'s First Set of Interrogatories on the Class Certification Issues were served upon Kurtis B. Reeg, attorney for Syngenta Crop Protection, Inc., via personal delivery and served upon all other attorneys of record for the defendants in this cause via United States mail, by enclosing said copy in an envelope addressed to said attorney at his/her address as disclosed by the pleadings on file in this cause and by depositing said envelope in a U.S. Post Office mailbox on this 30th day of June, 2010.

KOREIN TILLERY



CHRISTIE R. DEATON #6276456
505 North 7th Street, Suite 3600
St. Louis, MO 63101
Telephone: 314/241-4844
Facsimile: 314/241-3525
Attorneys for the Plaintiffs

cc:

Robert H. Shultz, Jr.
HEYL, ROYSTER, VOELKER & ALLEN
Mark Twain Plaza II, Suite 100
105 West Vandalia Street
Edwardsville, IL 62025

Anne G. Kimball
WILDMAN HARROLD ALLEN & DIXON, LLP
225 West Wacker Drive, Suite 2800
Chicago, IL 60606

Kurtis B. Reeg
REEG LAWYERS, LLC
1 North Brentwood, Suite 950
St. Louis, MO 63105

Mark C. Surprenant
ADAMS & REESE
4500 One Shell Square
New Orleans, LA 70139

Michael A. Pope
Christopher M. Murphy
Todd R. Wiener
Jocelyn D. Francoeur
McDERMOTT WILL & EMERY LLP
227 West Monroe Street
Chicago, IL 60606