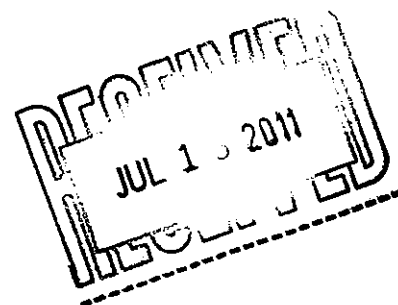


CALIFORNIA STATE COURT  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO



Holiday Shores Sanitary District, et al.	)	
	)	Case No. 2004-L-000710 (Illinois)
Plaintiffs,	)	
	)	<b>PESTICIDE ACTION NETWORK'S</b>
vs.	)	<b>RESPONSE AND OBJECTIONS TO</b>
	)	<b>SUBPOENA FOR PRODUCTION OF</b>
Syngenta Crop Protection, Inc.,	)	<b>BUSINESS RECORDS IN ACTION</b>
	)	<b>PENDING OUTSIDE CALIFORNIA</b>
Defendants.	)	

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Non-Party Pesticide Action Network North America ("Non-Party" or "PANNA") hereby responds and objects to the Subpoena for Production of Business Records in Action Pending Outside California (in Illinois Third Judicial Circuit, Madison County) issued by Syngenta Crop Production, Inc. through the Superior Court of California, County of San Francisco.

Subject to and without waiving the general and specific objections set forth below, Non-Party shall produce non-privileged responsive documents accompanying this response. Non-Party has taken steps to conduct a reasonable search of its records for documents responsive to the Subpoena.

Non-Party reserves the right to seek appropriate compensation for any copying or production costs or any other expenses incurred by PANNA in connection with responding to the Subpoena.

**GENERAL OBJECTIONS**

The following General Objections are incorporated into each specific response below as if repeated in each response:

1. These responses present Non-Party's reasonable effort to provide the information requested based upon information and documents in their possession, custody, or control, and based upon Non-Party's current knowledge developed within the limited time available. Non-Party reserves the right to produce evidence of any subsequently discovered fact or facts, to alter or amend their responses, and otherwise to assert factual and legal contentions if additional facts are ascertained, analyses are made, and legal research is completed.

2. Non-Party objects to these Requests for Production to the extent that they purport to impose an obligation of continuing supplementation beyond that imposed by the California Code of Civil Procedure. Non-Party will supplement its responses, if necessary, in accordance with the requirements of the California Code of Civil Procedure.

3. Non-Party does not waive any of its general or particular objections in the event it may furnish materials or information coming within the scope of any such objections.

4. Non-Party objects to each Request for Production to the extent that they are not limited to information within Non-Party's possession and control.

5. Non-Party objects generally to each Request for Production of Documents to the extent that it calls for information on "any" or "all" or "every" topic of a specified nature or type, when a limited amount of such information will suffice on the grounds that such a Request for Production or Request for Production is overly broad, unduly burdensome and oppressive.

6. Non-Party objects to the Subpoena to the extent it seeks to require Non-Party to produce documents constituting, containing, or reflecting information obtained by Non-Party from third parties pursuant to any agreement or undertaking prohibiting Non-Party from disclosing such information, on the ground that it is precluded from producing such documents.

7. Non-Party will make reasonable efforts to respond to each Request for Production to the extent that Non-Party understands and interprets the Request for Production and no objection is made. If Defendant subsequently asserts any interpretation of a Request for Production which differs from that of Non-Party, Non-Party reserves the right to supplement its objections and responses.

8. The general objections set forth above and the objections to specific Requests for Production set forth below are made as to matters which are clearly objectionable from the face of the Request for Production. These objections are made without prejudice to, or waiver of, Non-Party's rights to objection on all appropriate grounds for the production of specific categories of documents or information.

### **RESPONSE TO DOCUMENT REQUESTS**

**REQUEST FOR PRODUCTION NO. 1:** All correspondence to and from Pesticide Action Network North America Personnel concerning Syngenta, Plaintiffs, and/or Atrazine.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, not reasonably calculated to lead to discoverable evidence, and to the extent it calls for attorney work product and privileged materials.

**REQUEST FOR PRODUCTION NO. 2:** All emails to, from, copying, or blind copying Pesticide Action Network North America Personnel concerning Syngenta, Plaintiffs, and/or Atrazine.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, not reasonably calculated to

lead to discoverable evidence, to the extent it calls for attorney work product and privileged materials and as an unjustified infringement on the First Amendment rights to freedom of association and freedom of privacy of PANNA, its members, and its contributors. Without waiving any of the foregoing objections, PANNA will provide requested documents in a supplemental response.

**REQUEST FOR PRODUCTION NO. 3:** All internal memoranda and notes concerning Syngenta, Plaintiffs, and/or Atrazine.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, not reasonably calculated to lead to discoverable evidence, to the extent it calls for attorney work product and privileged materials and as an unjustified infringement on the First Amendment rights to freedom of association and freedom of privacy of PANNA, its members, and its contributors. Without waiving any of the foregoing objections, PANNA will provide documents in a supplemental response.

**REQUEST FOR PRODUCTION NO. 4:** All studies and/or research relating to Atrazine conducted, authorized, sponsored, and/or supervised by Pesticide Action Network North America.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, and not reasonably calculated to lead to discoverable evidence. Without waiving any of the foregoing objections, PANNA will provide documents in a supplemental response in addition to those documents included on CD.

**REQUEST FOR PRODUCTION NO. 5:** Any raw data of the Atrazine studies and/or research identified in Request No. 4.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, and not reasonably calculated to lead to discoverable evidence. Without waiving any of the foregoing objections, see enclosed CD.

**REQUEST FOR PRODUCTION NO. 6:** All notes, reports, analyses, or other documents relating to the Atrazine studies and/or research identified in Request No. 4.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, and not reasonably calculated to lead to discoverable evidence. Without waiving any of the foregoing objections, see enclosed CD.

**REQUEST FOR PRODUCTION NO. 7:** Any source information or other documents relied upon by Pesticide Action Network North America in the studies and/or research identified in Request No. 4.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, designed to harass and annoy, and not reasonably calculated to lead to discoverable evidence. Without waiving any of the foregoing objections, see enclosed CD.

**REQUEST FOR PRODUCTION NO. 8:** Any surveys received from growers and/or farmers regarding their Atrazine or Atrazine-containing product use.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, and not reasonably

calculated to lead to discoverable evidence. Without waiving any of the foregoing objections, no such documents have been found through PANNA's search.

**REQUEST FOR PRODUCTION NO. 9:** All reports, articles, or other documents written by Pesticide Action Network North America Personnel concerning Atrazine, Plaintiffs, and/or Syngenta.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, and not reasonably calculated to lead to discoverable evidence. Without waiving any of the foregoing objections, see Response to Request for Production No. 4.

**REQUEST FOR PRODUCTION NO. 10:** Any source information or other documents relied upon by Pesticide Action Network North America Personnel in the documents identified in Request No. 9.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, designed to harass and annoy, and not reasonably calculated to lead to discoverable evidence. Without waiving any of the foregoing objections, see Response to Request for Production No. 4.

**REQUEST FOR PRODUCTION NO. 11:** All documents related to presentations made by Pesticide Action Network North America Personnel concerning Atrazine, Plaintiffs, and/or Syngenta.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, and not reasonably calculated to lead to discoverable evidence. Without waiving any of the foregoing objections, see enclosed CD.

**REQUEST FOR PRODUCTION NO. 12:** Any documents evidencing monetary contributions or compensation made to Pesticide Action Network North America for the purposes of funding research involving Atrazine.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, not reasonably calculated to lead to discoverable evidence and as an unjustified infringement on the First Amendment rights to freedom of association and freedom of privacy of PANNA, its members, and its contributors.

**REQUEST FOR PRODUCTION NO. 13:** All phone logs, notes or other documents reflecting conversations between Pesticide Action Network North America Personnel and Plaintiffs concerning Atrazine.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, not reasonably calculated to lead to discoverable evidence, and to the extent it calls for attorney work product and privileged materials. Without waiving any of the foregoing objections, no such documents have been found through PANNA's search.

**REQUEST FOR PRODUCTION NO. 14:** All phone logs, notes or other documents reflecting conversation between Pesticide Action Network North America Personnel and United States Environmental Protection Agency concerning Atrazine.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, and not reasonably calculated to lead to discoverable evidence. Without waiving any of the foregoing objections, no such documents have been found through PANNA's search.

**REQUEST FOR PRODUCTION NO. 15:** All calendar entries reflecting meetings with Plaintiffs concerning Atrazine.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, and not reasonably calculated to lead to discoverable evidence.

**REQUEST FOR PRODUCTION NO. 16:** All calendar entries reflecting meetings with the United States Environmental Protection Agency concerning Atrazine.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, and not reasonably calculated to lead to discoverable evidence.

**REQUEST FOR PRODUCTION NO. 17:** All documents referencing Atrazine received from Syngenta.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, and to the extent the Subpoena seeks documents already produced by the Defendants or other Non-Parties in the above-referenced action. PANNA further objects to the Subpoena to the extent it calls for the production of documents that more properly should be sought directly from the Defendants or that more easily and efficiently may be obtained from the Defendants who are likely to have, at one time, created the requested documents or have those documents in their own possession.

**REQUEST FOR PRODUCTION NO. 18:** All document retention policies of Pesticide Action Network North America.



**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, designed to harass and annoy, and not reasonably calculated to lead to discoverable evidence. Without waiving any of the foregoing objections, no such documents have been found through PANNA's search.

**REQUEST FOR PRODUCTION NO. 19:** All documents drafted or written by or on behalf of Pesticide Action Network North America, regarding the registration and/or the re-registration of atrazine, for submission to State and/or Federal agencies, including, but not limited to, the United States Environmental Protection Agency and/or its corresponding State entities.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, not reasonably calculated to lead to discoverable evidence, and to the extent it calls for attorney work product and privileged materials. Without waiving any of the foregoing objections, see enclosed CD.

**REQUEST FOR PRODUCTION NO. 20:** All documents drafted or written by or on behalf of Pesticide Action Network North America advocating, supporting, suggesting and/or proposing the total banning, a reduction in the maximum contaminant level (MCL), a reduction in the maximum allowable usage rates, and/or a reduction in the allowable uses of Atrazine.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, not reasonably calculated to lead to discoverable evidence, and to the extent it calls for attorney work product and privileged materials. Without waiving any of the foregoing objections, see enclosed CD.

**REQUEST FOR PRODUCTION NO. 21:** All correspondence to and from Pesticide Action Network North America Personnel concerning the litigation entitled: Holiday Shores

Sanitary District, et al, v. Syngenta Crop Protection, LLC, et al, Case No. 04-L-000710, pending in Madison County, Illinois.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, not reasonably calculated to lead to discoverable evidence, and to the extent it calls for attorney work product and privileged materials. Without waiving any of the foregoing objections, no such non-privileged documents exist.

**REQUEST FOR PRODUCTION NO. 22:** All correspondence to and from Pesticide Action Network North America Personnel concerning the litigation entitled: City of Greenville, Illinois, et al v. Syngenta Crop Protection, LLC, et al, Case No. 10-188-JPG-PMF, pending in the United States District Court for the Southern District of Illinois.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, not reasonably calculated to lead to discoverable evidence, and to the extent it calls for attorney work product and privileged materials. Without waiving any of the foregoing objections, no such non-privileged documents exist.

**REQUEST FOR PRODUCTION NO. 23:** All correspondence between Pesticide Action Network North America Personnel and Korein Tillery concerning the litigation entitled: Holiday Shores Sanitary District, et al, v. Syngenta Crop Protection, LLC, et al, Case No. 04-L-000710, pending in Madison County, Illinois.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, not reasonably calculated to lead to discoverable evidence, and to the extent it calls for attorney work product and

privileged materials. Without waiving any of the foregoing objections, no such non – privileged documents exist.

**REQUEST FOR PRODUCTION NO. 24:** All correspondence between Pesticide Action Network North America Personnel and Korein Tillery concerning the litigation entitled: City of Greenville, Illinois, et al v. Syngenta Crop Protection, LLC, et al, Case No. 10-188-JPG-PMF, pending in the United States District Court for the Southern District of Illinois.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, not reasonably calculated to lead to discoverable evidence, and to the extent it calls for attorney work product and privileged materials. Without waiving any of the foregoing objections, no such non-privileged documents exist.

**REQUEST FOR PRODUCTION NO. 25:** All correspondence between Pesticide Action Network North America and Korein Tillery concerning Atrazine.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, not reasonably calculated to lead to discoverable evidence, and to the extent it calls for attorney work product and privileged materials. Without waiving any of the foregoing objections, PANNA will provide documents in a supplemental response.

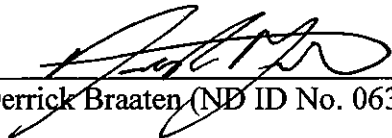
**REQUEST FOR PRODUCTION NO. 26:** All correspondence between Pesticide Action Network North America Personnel and Korein Tillery concerning intervening in, or otherwise voluntarily entering into, lawsuits.

**RESPONSE:** PANNA objects to this request as overly broad, unduly burdensome, not sufficiently narrowed in time, designed to harass and annoy, not reasonably calculated to

lead to discoverable evidence, and to the extent it calls for attorney work product and privileged materials. Without waiving any of the foregoing objections, no such documents exist.

Dated this 13<sup>th</sup> day of July, 2011.

**BAUMSTARK BRAATEN LAW PARTNERS**  
*Attorneys for Pesticide Action Network*  
*North America*  
222 North 4<sup>th</sup> Street  
Bismarck, ND 58501-4004  
(701) 221-2911 (phone)  
(701) 221-5842 (fax)

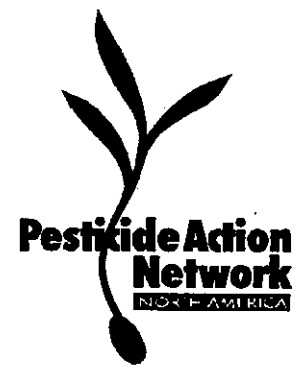
  
Derrick Braaten (ND ID No. 06394)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing **Pesticide Action Network's Response and Objections to Subpoena for Production of Business Records in Action Pending Outside California** was on the 13<sup>th</sup> day of July, 2011, served by U.S. Mail upon the following:

Philip Sholtz  
Reeg Lawyers, LLC  
1 North Brentwood Boulevard, Suite 950  
Saint Louis, Missouri 63105

  
\_\_\_\_\_  
Derrick Braaten



July 13, 2011

Derrick Braaten  
BAUMSTARK BRAATEN LAW PARTNERS  
222 North 4th Street  
Bismarck, ND 58501-4004

Dear Derrick,

Please submit this letter as invoice to Syngenta for services rendered in researching, gathering and producing a CD of documents relating to the subpoena served on Pesticide Action Network North America:

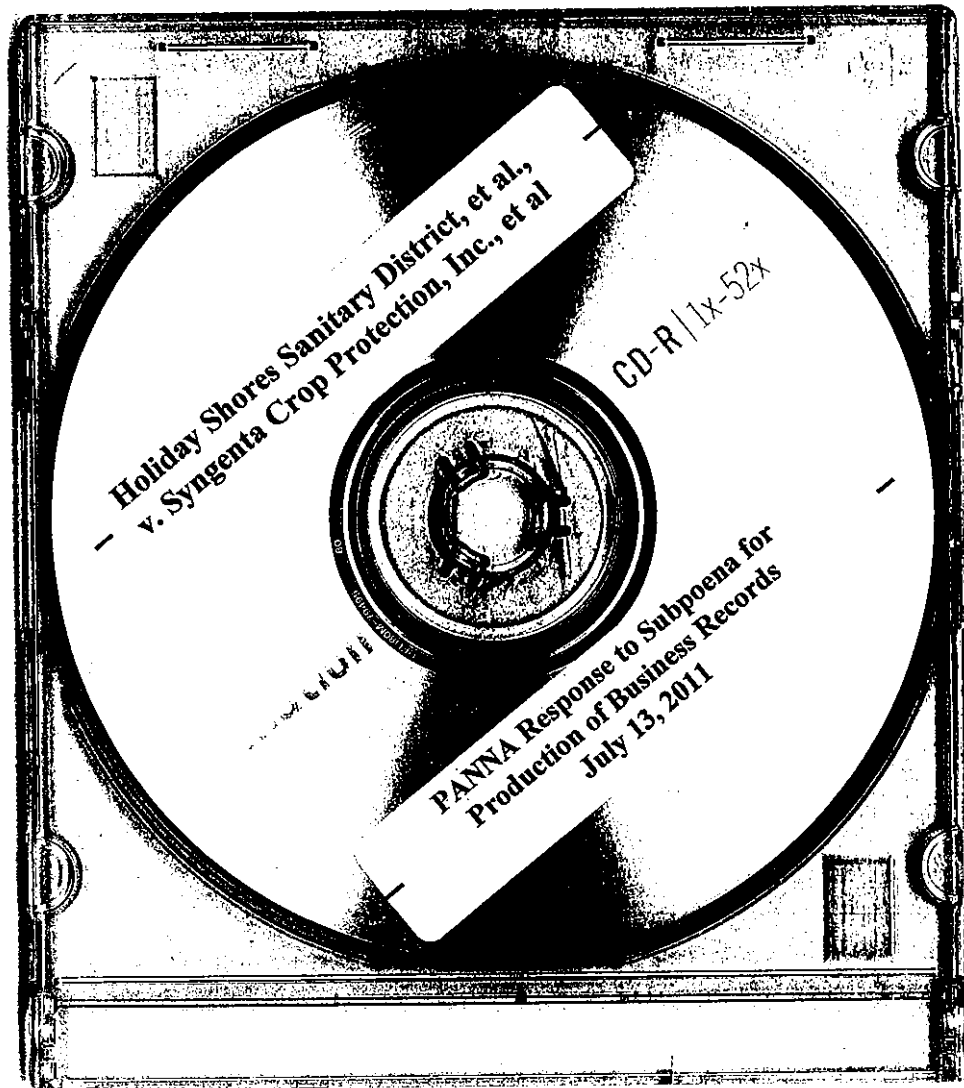
Item	Hours	Hrly Rate	Amount
Contractor-Juli Chamberlain	24.5	24.00	588.00
Clint Boerner	2	24.00	48.00
Devika Ghai	6.5	24.00	156.00
Karl Tupper	1.25	24.00	30.00
Kathryn Gilje	8.5	24.00	204.00
Medha Chandra	2.5	24.00	60.00
Steve Scholl-Buckwald	3.75	24.00	90.00
			<hr/>
			\$1176.00

Sincerely,

A handwritten signature in cursive script that reads "Kathryn Gilje".

Kathryn Gilje  
Co-Executive Director  
Pesticide Action Network North America, [kathryn@panna.org](mailto:kathryn@panna.org)

**Advancing Alternatives to Pesticides Worldwide**  
49 Powell St, Suite 500, San Francisco, CA 94102 • 415.981.1771 • [www.panna.org](http://www.panna.org)



Holiday Shores Sanitary District, et al.,  
v. Syngenta Crop Protection, Inc., et al

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PANNA Response to Subpoena for  
Production of Business Records  
July 13, 2011