

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

Superior Court
Civil Action No. 11-1578

In re: *
HOLIDAY SHORES SANITARY DISTRICT, *
individually and on behalf of all others similarly *
situated, *
Plaintiffs, *

Mass. R. Civ. P. 45

v. *

SYNGENTA CROP PROTECTION, INC., and *
GROWMARK, INC. *
Defendants. *

**RESPONSE OF DR. FRANK ACKERMAN TO SUBPOENA
AND DOCUMENT REQUESTS OF DEFENDANTS**

All documents have been provided on the enclosed compact disc.

DOCUMENT REQUESTS

1. All correspondence to and from Frank Ackerman concerning Syngenta, Plaintiffs,
and/or Atrazine.

RESPONSE: Objection. This request asks for information that is protected under
by the work product doctrine and the consultant privilege. Subject to and without
waiving this objection, see the documents produced on compact disc.

2. All emails to, from, copying, or blind copying Frank Ackerman concerning Syngenta,
Plaintiffs, and/or Atrazine.

RESPONSE: Objection. This request asks for information that is protected by the
work product doctrine and the consultant privilege. Subject to and without waiving
this objection, see the documents produced on compact disc.

3. All internal memoranda and notes concerning Syngenta, Plaintiffs, and/or Atrazine.

RESPONSE: See the documents produced on compact disc.

4. All studies and/or research relating to Atrazine conducted, authorized, sponsored, and/or supervised by Frank Ackerman.

RESPONSE: See the documents produced on compact disc.

5. Any raw data of the Atrazine studies and/or research identified in Request No. 4.

RESPONSE: See the documents produced on compact disc.

6. All notes, reports, analyses, or other documents relating to the Atrazine studies and/or research identified in Request No. 4.

RESPONSE: See the documents produced on compact disc.

7. Any source information or other documents relied upon by Frank Ackerman in the studies and/or research identified in Request No. 4.

RESPONSE: See the documents produced on compact disc.

8. Any surveys received from growers and/or farmers regarding their Atrazine or Atrazine-containing product use.

RESPONSE: Dr. Ackerman has no surveys received from growers or farmers regarding their use of atrazine or atrazine-containing products.

9. All reports, articles, or other documents written by Frank Ackerman concerning Atrazine, Plaintiffs, and/or Syngenta.

RESPONSE: See the documents produced on compact disc.

10. Any source information or other documents relied upon by Frank Ackerman in the documents identified in Request No. 9.

RESPONSE: See the documents produced on compact disc.

11. All documents related to presentations made by Frank Ackerman concerning Atrazine, Plaintiffs, and/or Syngenta.

RESPONSE: See the documents produced on compact disc.

12. Any documents evidencing monetary contributions or compensation made to Frank Ackerman for the purposes of funding research involving Atrazine.

RESPONSE: Objection. This request asks for information that is protected under by the work product doctrine and the consultant privilege. Subject to and without waiving this objection, see the documents produced on compact disc.

13. All phone logs, notes or other documents reflecting conversations between Frank Ackerman and Plaintiffs concerning Atrazine.

RESPONSE: Objection. This request asks for information that is protected by the work product doctrine and the consultant privilege. Subject to and without waiving this objection, Dr. Ackerman has no non-privileged documents.

14. All phone logs, notes or other documents reflecting conversations between Frank Ackerman and United States Environmental Protection Agency concerning Atrazine.

RESPONSE: Dr. Ackerman has none.

15. All calendar entries reflecting meetings with Plaintiffs concerning Atrazine.

RESPONSE: Dr. Ackerman has none.

16. All calendar entries reflecting meetings with the United States Environmental Protection Agency concerning Atrazine.

RESPONSE: Dr. Ackerman has none.

17. All documents referencing Atrazine received from Syngenta.

RESPONSE: Dr. Ackerman has none.

18. All document retention policies of Frank Ackerman.

RESPONSE: Dr. Ackerman does not have a document retention policy.

19. All documents drafted or written by or on behalf of Frank Ackerman, regarding the registration and/or 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: Dr. Ackerman has none.

20. All documents drafted or written by or on behalf of Frank Ackerman 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: Dr. Ackerman has written articles concerning atrazine, including the economic impact that may be caused by a ban of atrazine. To the extent that these documents may have been used by others to advocate, support, suggest, or propose the total banning, a reduction in the MCL, a reduction in the maximum allowable usage rates, and/or a reduction in the allowable uses of atrazine, please see the documents produced on compact disc.

21. All correspondence to and from Frank Ackerman 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: Objection. This request asks for information that is protected by the work product doctrine and the consultant privilege. Subject to and without waiving this objection, Dr. Ackerman has no non-privileged documents.

22. All correspondence to and from Frank Ackerman 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: Objection. This request asks for information that is protected by the work product doctrine and the consultant privilege. Subject to and without waiving this objection, Dr. Ackerman has no non-privileged documents.

23. All correspondence between Frank Ackerman 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: Objection. This request asks for information that is protected under Illinois law by the work product doctrine and the consultant privilege. Subject to and without waiving this objection, Dr. Ackerman has no non-privileged documents.

24. All correspondence between Frank Ackerman 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: Objection. This request asks for information that is protected under Illinois law by the work product doctrine and the consultant privilege. Subject to and without waiving this objection, Dr. Ackerman has no non-privileged documents.

25. All correspondence between Frank Ackerman and Korein Tillery concerning Atrazine.

RESPONSE: Objection. This request asks for information that is protected under Illinois law by the work product doctrine and the consultant privilege. Subject to and without waiving this objection, Dr. Ackerman has no non-privileged documents.

26. All correspondence between Frank Ackerman and Korein Tillery concerning intervening in, or otherwise voluntarily entering into, lawsuits.

RESPONSE: Dr. Ackerman has no documents.

Respectfully submitted,



Richard M. Sandman, Esquire

BBO No. 440940

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Malden, MA 02148-5122

CERTIFICATE OF SERVICE

I, Richard M. Sandman, hereby certify that on this date I served a copy of the within "Response of Dr. Frank Ackerman to Subpoena and Document Requests of Defendants" by sending a copy of same via Federal Express to Attorney Marc J. Goldstein.

DATED: July 27, 2011



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Holiday Shores Sanitary Dist. v. Syngenta Crop Protection, Inc.
Middlesex (Massachusetts) Superior Court Civil Action No. 11-1578
Frank Ackerman Privilege Log

Date	Document Type	Author(s)	Recipient(s)	Cc	Description of Document	Privilege Reason
5/19/2009	Email	Stephen Tillery	Frank Ackerman	n/a	Email correspondence from Plaintiffs' counsel to Dr. Ackerman re: prior phone conversation and Dr. Ackerman's retention with attached documents concerning the Holiday Shores case	Attorney Work Product; Consultant Privilege
5/28/2009	Email	Stephen Tillery; Frank Ackerman	Frank Ackerman; Stephen Tillery	n/a	Email correspondence between Plaintiffs' counsel and Dr. Ackerman re: matters concerning Dr. Ackerman's retention and work as a consultant.	Attorney Work Product; Consultant Privilege