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*Attorneys for Defendant*  
**MONSANTO COMPANY**

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

IN RE: ROUNDUP PRODUCTS  
LIABILITY LITIGATION

MDL No. 2741

Case No.: 3:16-md-02741-VC

*Cervantes v. Monsanto Co.*, 3:19-cv-03015-VC  
*Karman v. Monsanto Co.*, 3:19-cv-01183-VC  
*Pecorelli v. Monsanto Co.*, 3:16-cv-06936-VC  
*Peterson v. Monsanto Co.*, 3:18-cv-07271-VC  
*Rehak v. Monsanto Co.*, 3:19-cv-01719-VC  
*Schafer v. Monsanto Co.*, 3:19-cv-02169  
*Seidl v. Monsanto Co.*, 3:17-cv-00519-VC

**DEFENDANT MONSANTO  
COMPANY’S MOTION TO EXCLUDE  
TESTIMONY OF DR. CHARLES  
BENBROOK, DR. CHARLES  
JAMESON, AND MR. STEPHEN  
PETTY**

Hearing date: May 28, 2021

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**TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE THAT** beginning on May 28, 2021, in Courtroom 4 of the United States District Court, Northern District of California, located at 450 Golden Gate Avenue, San Francisco, CA 94102, or as ordered by the Court, Defendant Monsanto Company (“Monsanto”) will present its Motion to Exclude Testimony of Dr. Charles Benbrook, Dr. Charles Jameson, and Mr. Stephen Petty. Monsanto seeks an order excluding opinion of these witnesses under Federal Rule of Evidence 702.

DATED: March 18, 2021

Respectfully submitted,

/s/ K. Lee Marshall

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1 Monsanto hereby moves to exclude Plaintiffs' experts Dr. Charles Benbrook, Dr. Charles  
2 Jameson, and Mr. Stephen Petty under Federal Rule of Evidence 702 and *Daubert v. Merrell*  
3 *Dow Pharm., Inc.*, 509 U.S. 579, 589 (1993) in the above-captioned cases.<sup>1</sup> Monsanto  
4 recognizes the Court's Pretrial Order No. 202 (Dkt. No. 9143), which denied without prejudice  
5 Monsanto's motions as to these three experts in Wave 1, on the basis that Monsanto's challenges  
6 to these experts are more appropriately filed and ruled upon after the cases are transferred to  
7 Plaintiffs' home districts for trial. *See* PTO 202 (Dkt. No. 9143) at 1-2 (the issues raised in  
8 Monsanto's motion "should be left to the judges who will be trying the cases," and thus "are  
9 denied without prejudice to filing new motions with the district judges who will be trying the  
10 cases" after transfer from the MDL).

11 Therefore, consistent with the Court's instruction not to re-litigate issues previously ruled  
12 upon, but in order to fully preserve the record, Monsanto hereby incorporates the following  
13 pleadings that were filed on the MDL docket:

- 14 • Monsanto's Motion to Exclude Testimony of Dr. Charles Benbrook (Dkt. No. 8006)  
15 and Reply in Support (Dkt. No. 8531)
- 16 • Monsanto's Motion to Exclude Factual Testimony About IARC from Dr. Charles  
17 Jameson (Dkt. No. 8007) and Reply in Support (Dkt. No. 8528)
- 18 • Monsanto's Motion to Exclude Testimony of Stephen Petty (Dkt. No. 8009) and  
19 Reply in Support (Dkt. No. 8536)

20 By incorporating by reference its prior filings, Monsanto is in no way waiving any of the  
21 arguments raised therein.

22 In accordance with Pretrial Order No. 202, Monsanto also hereby expressly preserves its  
23 right to file new motions to exclude Dr. Jameson, Dr. Benbrook, and Mr. Petty after the above-  
24 captioned cases are transferred to their home districts for trial, including raising case-specific  
25 arguments and/or additional arguments not previously raised in Wave 1.

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27 <sup>1</sup> Mr. Petty was disclosed as an expert witness only by Plaintiff Seidl, and thus this motion as to  
28 Mr. Petty applies only to *Seidl v. Monsanto Co.*, 3:17-cv-00519-VC.

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Dated: March 18, 2021

By: /s/ K. Lee Marshall  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18<sup>th</sup> day of March, 2021, a copy of the foregoing was filed with the Clerk of the Court through the CM/ECF system which sent notice of the filing to all appearing parties of record.

/s/ K. Lee Marshall