

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In re: Syngenta Litigation

Case Type: Civil Other
Honorable Thomas M. Sipkins

This Document Relates to: ALL ACTIONS

File No.: 27-CV-15-3785

**SYNGENTA'S FIRST SET OF REQUESTS
FOR PRODUCTION TO BELLWETHER
DISCOVERY PLAINTIFFS
(PRODUCERS)**

Pursuant to Minnesota Rules of Civil Procedure 26 and 34, Defendant Syngenta, by and through its attorneys, hereby submits its first requests for production of documents ("Requests") to the Producer Plaintiffs named as Bellwether Discovery Plaintiffs by the Court's December 22, 2015 Order ("Plaintiffs"). These Requests are to be responded to separately, fully, and in accordance with the Minnesota Rules of Civil Procedure. Each of the Plaintiffs shall produce documents and items in response to these Requests. Syngenta requests that Plaintiffs respond to these Requests within forty-five (45) days, or as otherwise agreed by the parties, and subsequently produce the documents and items described herein to the attention of Michael D. Jones at the offices of Kirkland & Ellis LLP, 655 Fifteenth Street, N.W., Washington, DC 20005, or at a location agreed to by the parties. Each document request is subject to the Instructions and Definitions that follow.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Please produce your Documents sufficient to show the selection, purchase, type, price paid, and eventual use (e.g., planted vs. saved for future use) of corn seeds by you and the farming entities in which you have or have had an interest from Marketing Year 2010 to the

present. For corn seed purchased by you and saved for future use, please produce your Documents sufficient to show the processing or treatment of such saved seed. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the First Amended Master Complaint for Producers and Non-Producers (Non-Class) (“Am. Compl.” or “Amended Complaint”) or any similar theory, please produce Documents responsive to this Request with respect to milo and/or soybean seed.

REQUEST FOR PRODUCTION NO. 2:

Please produce your Documents sufficient to show all corn farming costs incurred by you from Marketing Year 2010 to the present, including seed costs, costs associated with pesticides and herbicides, tilling costs, and other planting, growing, and harvesting costs. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents responsive to this Request with respect to milo and/or soybean farming costs.

REQUEST FOR PRODUCTION NO. 3:

Please produce your Documents sufficient to show the sale of grains and oilseeds (e.g., corn, soybeans, sorghum/milo, oats, barley) by you and the farming entities in which you have or have had an interest from Marketing Year 2010 to the present. The Documents requested for each product are those that reflect such information as terms and conditions for such sales, the purchaser, amount sold, the price received and the date of pricing, any deferred payments, the sale date, the date of promised and actual delivery, the grade, variety, and quality, any other adjustments made by purchaser, marketing options and fees, and delivery location.

REQUEST FOR PRODUCTION NO. 4:

Please produce your Documents sufficient to show efforts by you and any farming entities in which you have or have had an interest to cultivate crops for the purpose of selling all

or a portion of those crops into any export market outside of the United States from Marketing Year 2010 to the present.

REQUEST FOR PRODUCTION NO. 5:

Please produce Documents sufficient to show the amount of storage capacity available to you on your farm, the farms in which you have or have had an interest, and/or any third-party site available to you, from Calendar Year 2010 to the present, as well as the usage of that storage capacity during that period by crop.

REQUEST FOR PRODUCTION NO. 6:

For each farming entity in which you have or have had an interest from Marketing Year 2010 to the present, please produce Documents sufficient to show the annual yield and amount harvested of each grain and oilseed crop (in bushels, hundredweight, or some other relevant unit of measure), the total cost of each crop grown, and the acreage harvested of each crop.

REQUEST FOR PRODUCTION NO. 7:

Please produce your Documents showing the possession, purchase, use, or sale by you and the farming entities in which you have or have had an interest from Marketing Year 2010 to the present of derivatives, such as options or futures, to hedge price risk associated with your sales of grains and oilseeds (e.g, corn, soybeans, sorghum/milo, oats, and barley), as well as any efforts to short sell or otherwise use any decrease in grain or oilseed prices to your financial benefit.

REQUEST FOR PRODUCTION NO. 8:

Please produce Documents sufficient to show the legal ownership and/or lease parties and terms, the legal description, FSA number, and acreage for land farmed by you or any entity in which you have or have had an interest from Calendar Year 2010 to the present.

REQUEST FOR PRODUCTION NO. 9:

Please produce Documents sufficient to show the township, range, and section identifiers for each farm in which you have an interest.

REQUEST FOR PRODUCTION NO. 10:

Please produce Documents (such as partnership agreements, trusts, articles of incorporation, and CCC Form 502) sufficient to show your ownership and percentage of ownership of any entity deriving income from corn farming from Calendar Year 2010 to the present, the date or dates you acquired that ownership interest, the other owners and the amount of their interests and dates they acquired such, the date of formation of the entity, and the amount of profits or losses attributable to your interest. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents responsive to this Request with respect to milo and/or soybean farming.

REQUEST FOR PRODUCTION NO. 11:

Please produce your Documents (including applications and policy documents), and Communications with insurers and agents for crop insurance policies purchased from Marketing Year 2010 to the present by you and the farming entities in which you have or have had an interest, including any payments received and/or financial recompense of any kind derived from any policy, statements of insurance coverage, acreage reports, production to count reports, yield reports, and statements/notices of loss or indemnity.

REQUEST FOR PRODUCTION NO. 12:

Please produce your Documents (including applications) and Communications from Marketing Year 2010 to the present regarding government subsidies received by you relating to corn, including the amount of any subsidies received, as well as any rental payments from the

government as part of any voluntary conservation program. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents and Communications responsive to this Request with respect to subsidies related to milo and/or soybeans.

REQUEST FOR PRODUCTION NO. 13:

Please produce your Communications from Marketing Year 2010 to the present with any crop or marketing consultant who assisted you and the farming entities in which you have or have had an interest with the selection, purchase, planting, cultivation, harvesting, storage, and/or sale of corn and corn seed. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Communications responsive to this Request with respect to milo and/or soybeans and milo and/or soybean seed.

REQUEST FOR PRODUCTION NO. 14:

Please produce Documents sufficient to show the types of genetically modified crops grown by you or any farming entity in which you have or have had an interest from Calendar Year 2005 to the present, including, but not limited to, the dates when those crops were planted and harvested.

REQUEST FOR PRODUCTION NO. 15:

Please produce your Communications regarding the channeling or stewardship of genetically modified crops, including Documents reflecting efforts to avoid planting genetically modified seed varieties prior to a particular trait’s approval in a foreign export market, as well as Documents reflecting any channeling efforts undertaken by you or any farming entity in which you have or have had an interest.

REQUEST FOR PRODUCTION NO. 16:

Please produce your Communications regarding Syngenta Corn Seed or import approval by a foreign country of any genetically modified trait (including Syngenta Corn Seed).

REQUEST FOR PRODUCTION NO. 17:

Please produce your Communications regarding actual or forecasted increases and decreases in the market price of corn and DDGS between Marketing Year 2010 and the present, including, but not limited to, Communications regarding the effect of actual or forecasted bumper crops and excess or decreased corn supply. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Communications responsive to this Request with respect to the market price of milo and/or soybeans.

REQUEST FOR PRODUCTION NO. 18:

Please produce your Communications regarding Chinese importation (or non-importation) of U.S. corn and DDGS between Marketing Year 2010 and the present. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Communications responsive to this Request with respect U.S. milo and/or U.S. soybeans.

REQUEST FOR PRODUCTION NO. 19:

Please produce Documents relating to any statements made by Syngenta regarding stewardship, channeling, and/or import approvals of Syngenta Corn Seed, including, but not limited to, any stewardship agreements.

REQUEST FOR PRODUCTION NO. 20:

Please produce your Documents and Communications relating to any statements made by Syngenta that are alleged to be false and/or misleading.

REQUEST FOR PRODUCTION NO. 21:

Please produce your Documents and Communications relating to any testing for the presence of any genetically modified material (including Syngenta Corn Seed) in corn or corn seed purchased, grown, or sold by you from Marketing Year 2010 to the present.

REQUEST FOR PRODUCTION NO. 22:

Please produce your Documents sufficient to show your efforts to mitigate cross-pollination of genetically modified corn and conventional corn from Marketing Year 2010 to the present.

REQUEST FOR PRODUCTION NO. 23:

Please produce Documents sufficient to show whether you were part of any cooperative, including ethanol cooperatives, from Marketing Year 2010 to the present, and, if so, the amount of corn supplied by you to those cooperatives and any patronage dividends/income you received through your involvement. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents responsive to this Request with respect to milo and/or soybeans.

REQUEST FOR PRODUCTION NO. 24:

Please produce your Documents sufficient to show annual financial statements, monthly income statements, and balance sheets, for yourself and all farming entities in which you have or have had an interest from Calendar Year 2010 to the present, as well as Documents showing revenue, costs, and income of all activity you and all farming entities in which you have or have had an interest engaged in with the intention of earning money from Calendar Year 2010 to the present, such as corn farming, soybean farming, hay farming, rice farming, raising all livestock, land excavation, and comparable or related undertakings.

REQUEST FOR PRODUCTION NO. 25:

Please produce your Documents sufficient to show whether any corn produced by you or purchased by you was used to feed livestock. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents responsive to this Request with respect to milo and/or soybeans.

REQUEST FOR PRODUCTION NO. 26:

Please produce all Documents supporting or refuting the claims of damages you allege to have suffered as a result of the commercialization of Syngenta Corn Seed.

REQUEST FOR PRODUCTION NO. 27:

Please produce Documents sufficient to show your membership in and/or affiliation with any farming-related groups, committees, organizations, associations, and/or clubs.

REQUEST FOR PRODUCTION NO. 28:

Please produce Documents sufficient to identify the farming businesses for which you seek damages in this case and the ownership structure associated with those businesses including Documents sufficient to identify the ownership interests held by you and by others.

REQUEST FOR PRODUCTION NO. 29:

Please produce Documents sufficient to show your corporate structure, including any parent and/or subsidiary ownership.

REQUEST FOR PRODUCTION NO. 30:

Please produce Documents sufficient to show the organizational structure of your workforce, from 2013 to the present.

REQUEST FOR PRODUCTION NO. 31:

Please produce your Documents and Communications concerning any steps that you considered or undertook to adjust your pricing because of the risk that Corn Shipments could be rejected by China.

REQUEST FOR PRODUCTION NO. 32:

Please produce your Documents and Communications concerning any steps that you considered or undertook to mitigate the risk that Corn Shipments could be rejected by China, including but not limited to growing other crops or storing corn. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents and Communications responsive to this Request with respect to storing milo and/or soybeans.

REQUEST FOR PRODUCTION NO. 33:

Please produce your Documents and Communications reflecting any efforts that you considered or undertook to obtain contractual protections against changes in the price of Corn during the relevant period. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents and Communications responsive to this Request with respect to the price of milo and/or soybeans.

REQUEST FOR PRODUCTION NO. 34:

Please produce your Documents and Communications regarding your decision, if any, to sell Corn to Chinese buyers in 2011, 2012, 2013, and/or 2014 either directly or through a third party/parties.

REQUEST FOR PRODUCTION NO. 35:

Please produce all Documents relating to the pricing of your Corn during Marketing Years 2011-2015. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents responsive to this Request with respect to the pricing of your milo and/or soybeans.

REQUEST FOR PRODUCTION NO. 36:

Please produce all Documents relating to any financing and/or loans procured for your corn crops during Marketing Years 2011-2015. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents responsive to this Request with respect to your milo and/or soybean crops.

REQUEST FOR PRODUCTION NO. 37:

Please produce the following Farm Service Agency (FSA) Documents for each Plaintiff:

- (a) FSA Form 578, “Report of Acreage,” from 2010 to the present;
- (b) FSA Form 502 (also known as CCC-502), “Farm Operating Plan For Payment Eligibility,” including Forms 502A, 502B, 502C, 502EZ, 502 Continuation Sheets, and any updates or corrections from crop years 2010 to the present;
- (c) Form Number 156EZ (also known as the Abbreviated Farm Record), for crop years 2010 to the present.

REQUEST FOR PRODUCTION NO. 38:

Please produce all Documents provided to the Farm Service Agency (FSA) related to your corn crops. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents responsive to this Request with respect to your milo and/or soybean crops.

REQUEST FOR PRODUCTION NO. 39:

Please produce Documents sufficient to show any participation in and payments related to any conservation resource program, including those programs sponsored by the United States Department of Agriculture.

REQUEST FOR PRODUCTION NO. 40:

Please produce your Documents supporting or refuting your allegation that Syngenta Corn Seed caused “physical harm” to your “corn, equipment, storage facilities, and land.” Am. Compl. ¶ 236. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents responsive to this Request with respect to your milo and/or soybeans.

REQUEST FOR PRODUCTION NO. 41:

Please produce your Documents supporting or refuting your allegation that Syngenta’s conduct caused “significant economic harm to Producers and Non-Producers.” Am. Compl. ¶ 240.

REQUEST FOR PRODUCTION NO. 42:

Please produce all Documents and Communications related to any landowners from whom you lease farmland whose rents increased or decreased as a result of changes in the market price of corn during the relevant time period. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents and Communications responsive to this Request with respect to the market price of milo and/or soybeans.

REQUEST FOR PRODUCTION NO. 43:

Please produce all Documents and Communications related to any increase or decrease in your business, or increase or reduction in the value of your business, because of Syngenta’s introduction and sale of Syngenta Corn Seed.

REQUEST FOR PRODUCTION NO. 44:

Please produce all Documents supporting or refuting your allegation that Syngenta’s decision to introduce and sell Duracade prolonged your alleged economic harm. *See, e.g.*, Am. Compl. ¶ 291.

REQUEST FOR PRODUCTION NO. 45:

Please produce all Documents supporting or refuting your allegation that the impact of the loss of the Chinese market for corn and corn products (and byproducts) to U.S. corn farmers will likely be long lasting. Am. Compl. ¶ 273. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents responsive to this Request with respect to milo and/or soybeans and milo and/or soybean products (and byproducts).

REQUEST FOR PRODUCTION NO. 46:

Please produce Documents and Communications sufficient to show your ownership interest, if any, in any property allegedly damaged by Syngenta’s introduction and sale of Syngenta Corn Seed.

REQUEST FOR PRODUCTION NO. 47:

Please produce all Documents and Communications supporting or refuting your allegation that Syngenta’s application for cultivation approval in China “may have materially delayed import approval.” Am. Compl. ¶ 176.

REQUEST FOR PRODUCTION NO. 48:

Please produce all Documents and Communications supporting or refuting your allegation that there are “reportedly small shipments from Brazil and Argentina” to China that means “the U.S. is already beginning to lose China as an important corn export market.”

Am. Compl. ¶ 274.

REQUEST FOR PRODUCTION NO. 49:

Please produce all Documents and Communications from April 2010 to November 2013 concerning the regulatory approval status, or your awareness of the regulatory approval status, of Syngenta Corn Seed in China.

REQUEST FOR PRODUCTION NO. 50:

Please produce Documents and Communications sufficient to identify all third parties with whom you had or expected to have a business relationship that Syngenta allegedly disrupted and Documents and Communications sufficient to show that Syngenta’s introduction of Syngenta Corn Seed ended or prevented those business relationships.

REQUEST FOR PRODUCTION NO. 51:

For each business relationship that Syngenta allegedly disrupted, please produce your Documents and Communications sufficient to show your efforts to find a new buyer and the result of those efforts.

REQUEST FOR PRODUCTION NO. 52:

Please produce your Documents and Communications concerning whether you retain any ownership or other possessory interest in your corn after it has been sold. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents and Communications responsive to this Request with respect to your milo and/or soybeans.

REQUEST FOR PRODUCTION NO. 53:

Please produce your Documents and Communications related to the exportability of your corn, including Documents and Communications concerning which export markets have approved any genetically modified corn that you have planted, grown, or sold.

REQUEST FOR PRODUCTION NO. 54:

Please produce Documents and Communications sufficient to show all of the factors you considered in deciding where and to whom you should sell your corn in Marketing Years 2011-2015. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents and Communications responsive to this Request with respect to your milo and/or soybeans.

REQUEST FOR PRODUCTION NO. 55:

Please produce your Documents and Communications related to your efforts to determine whether any buyer or potential buyer of your corn would take steps to accept, reject, and/or channel Syngenta Corn Seed to avoid commingling with other yellow corn.

REQUEST FOR PRODUCTION NO. 56:

Please produce your Documents and Communications related to your efforts to determine what would happen with your corn after you sold it, including whether it would be sold in the United States or exported and whether it would be commingled with other corn.

REQUEST FOR PRODUCTION NO. 57:

Please produce your Communications with any buyer or potential buyer of your corn related to export markets or regulatory approvals in any country.

REQUEST FOR PRODUCTION NO. 58:

Please produce all Documents showing the total quantity of U.S. corn exports to China from 2009 to present.

REQUEST FOR PRODUCTION NO. 59:

Please produce all Documents showing the total quantity of U.S. DDGS exports to China from 2009 to present.

REQUEST FOR PRODUCTION NO. 60:

Please produce your Documents and Communications regarding any reasons for any decline in U.S. corn prices that occurred from January 2013 to the present. If you seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents and Communications responsive to this Request with respect to milo and/or soybean prices.

REQUEST FOR PRODUCTION NO. 61:

Please produce your Documents and Communications regarding the importance of the Chinese export market for U.S. corn from 2009 to the present.

REQUEST FOR PRODUCTION NO. 62:

Please produce your Documents and Communications regarding the importance of the Chinese export market for U.S. DDGS from 2009 to the present.

REQUEST FOR PRODUCTION NO. 63:

Please produce your Documents and Communications regarding the importance of Chinese approval before commercialization of U.S.-approved corn biotech traits.

REQUEST FOR PRODUCTION NO. 64:

Please produce your Documents and Communications regarding what constitutes a significant trade market for U.S. corn, commonly referred to as a “key export market.” If you

seek damages based on “harm to milo and soybean prices” as set forth in paragraphs 297-299 of the Amended Complaint or any similar theory, please produce Documents and Communications responsive to this Request with respect to U.S. milo and/or soybeans.

REQUEST FOR PRODUCTION NO. 65:

Please produce your Documents and Communications regarding what constitutes a significant trade market for U.S. DDGS, commonly referred to as a “key export market.”

REQUEST FOR PRODUCTION NO. 66:

Please produce your Documents and Communications concerning China’s policy of refusing any imported product that has any level of an unapproved genetically modified trait, commonly referred to as China’s “zero tolerance policy,” and enforcement of that policy, including any Documents and Communications concerning China’s testing for Syngenta Corn Seed.

REQUEST FOR PRODUCTION NO. 67:

Please produce your Documents and Communications regarding China’s grain subsidy and grain import quota systems for corn.

REQUEST FOR PRODUCTION NO. 68:

Please produce your Documents and Communications regarding Chinese imports of sorghum/milo and other potential substitutes for corn.

REQUEST FOR PRODUCTION NO. 69:

Please produce your Documents and Communications regarding why China rejected U.S. Corn Shipments at any time from January 2013 to December 2014.

REQUEST FOR PRODUCTION NO. 70:

Please produce Communications regarding Syngenta Corn Seed or the Chinese approval process for biotech traits.

REQUEST FOR PRODUCTION NO. 71:

Please produce your Communications with any biotech seed companies, including but not limited to Monsanto, Bayer, Pioneer, and DuPont, about Syngenta Corn Seed or the Chinese approval process for biotech traits.

REQUEST FOR PRODUCTION NO. 72:

Please produce your Communications with any industry groups, including but not limited to the National Grain and Feed Association, the North American Export Grain Association, the Biotechnology Industry Organization, the National Corn Growers Association, and the U.S. Grains Council.

REQUEST FOR PRODUCTION NO. 73:

Please produce your Communications with any entity in the grain distribution chain, including but not limited to grain handlers, commodity exporters, and the Non-producer Plaintiffs in this case, regarding the Chinese regulatory processes of genetically-modified traits and/or Syngenta Corn Seed.

REQUEST FOR PRODUCTION NO. 74:

Please produce your Communications with any farm operators, growers in the grain industry, any entity in the grain distribution chain, and grain industry trade associations regarding this case (the *In re: Syngenta Litigation*), the *In Re: Syngenta AG MIR162 Corn Litigation* (MDL 2591, D. Kansas), or any other related litigation.

REQUEST FOR PRODUCTION NO. 75:

Please produce your Documents and Communications regarding Syngenta's lawsuit against Bunge known as *Syngenta Seeds, Inc. v. Bunge N.A., Inc.*, No. C-11-4074-MWB in the United States District Court for the Northern District of Iowa.

REQUEST FOR PRODUCTION NO. 76:

Please produce your Documents discussing or related to the “MIR162 Deregulation Petition” referred to in Paragraph 55 of the Amended Complaint.

REQUEST FOR PRODUCTION NO. 77:

Please produce all Documents discussing or related to the earnings conference call statements referred to in Paragraph 184 of the Amended Complaint.

REQUEST FOR PRODUCTION NO. 78:

Please produce all Documents discussing or related to the Bio-safety Certificates referred to in Paragraph 188 of the Amended Complaint.

REQUEST FOR PRODUCTION NO. 79:

Please produce all Documents discussing or related to the “Plant With Confidence Fact Sheet” referred to in Paragraph 190 of the Amended Complaint.

REQUEST FOR PRODUCTION NO. 80:

Please produce all Documents discussing or related to the August 17, 2011 letter from Chuck Lee referred to in Paragraph 148 of the Amended Complaint.

REQUEST FOR PRODUCTION NO. 81:

Please produce all Documents supporting or refuting your allegation that “Syngenta used or employed fraud, false pretense, false promise, misrepresentation, misleading statements, or deceptive practices, with the intent that others rely thereon in connection with the sale of Viptera and Duracade in violation of Minn. Stat § 324F.69.” Am. Compl. ¶ 341.

REQUEST FOR PRODUCTION NO. 82:

Please produce all Documents supporting or refuting your allegation that “Syngenta’s misrepresentations and omissions were made intentionally or recklessly.” Am. Compl. ¶ 339.

REQUEST FOR PRODUCTION NO. 83:

Please produce all Documents supporting or refuting your allegation that “Syngenta’s misrepresentations [were] made to a large segment of the public.” Am. Compl. ¶ 343.

REQUEST FOR PRODUCTION NO. 84:

Please produce all Documents and Communications related to your receipt and consideration of any statements made by Syngenta that you claim to be false or misleading and Documents and Communications showing any steps you took based on those statements.

REQUEST FOR PRODUCTION NO. 85:

Please produce all Documents and Communications related to any Syngenta Corn Seed producer’s receipt and consideration of any statements made by Syngenta that you claim to be false or misleading and Documents and Communications showing any steps the Syngenta Corn Seed producer took based on those statements.

REQUEST FOR PRODUCTION NO. 86:

Please produce all Documents and Communications regarding any harm that Syngenta caused purchasers of Syngenta Corn Seed by introducing and selling Syngenta Corn Seed.

REQUEST FOR PRODUCTION NO. 87:

Please produce all Documents and Communications concerning whether and the extent to which Syngenta Corn Seed has “contaminated the U.S. corn supply.” *See, e.g.*, Am. Compl. ¶¶ 218, 236.

REQUEST FOR PRODUCTION NO. 88:

Please produce all Documents and Communications concerning any “contamination” of your corn.

REQUEST FOR PRODUCTION NO. 89:

Please produce all Documents and Communications concerning whether grain handlers were accepting or rejecting Syngenta Corn Seed from 2011 through the present, including Documents and Communications related to any efforts taken by grain handlers to segregate Syngenta Corn Seed from other types of corn.

REQUEST FOR PRODUCTION NO. 90:

Please produce all Documents and Communications concerning grain exporters testing for Syngenta Corn Seed.

REQUEST FOR PRODUCTION NO. 91:

Please produce all Documents and Communications concerning grain exporters testing for GMO traits other than Syngenta Corn Seed.

REQUEST FOR PRODUCTION NO. 92:

Please produce your Documents and Communications concerning the testing of Corn Shipments to China, including Documents and Communications regarding the practice of testing at the point of departure versus testing at the destination.

REQUEST FOR PRODUCTION NO. 93:

Please produce your Documents and Communications related to test kits or other test methods to detect Syngenta Corn Seed, including the availability and cost of such tests.

REQUEST FOR PRODUCTION NO. 94:

Please produce all Documents that the Plaintiffs referred to or relied upon in preparing any of their Complaints.

REQUEST FOR PRODUCTION NO. 95:

Please produce all Documents that the Plaintiffs intend to rely upon at any hearing or at trial.

REQUEST FOR PRODUCTION NO. 96:

If you planted Syngenta Corn Seed, please produce your Documents and Communications concerning your efforts to channel grain produced from Syngenta Corn Seed to appropriate markets as necessary to prevent movement to markets where the grain has not yet received regulatory approval for import.

REQUEST FOR PRODUCTION NO. 97:

If you planted Syngenta Corn Seed, please produce your Documents and Communications concerning your decision to purchase Syngenta Corn Seed, including but not limited to Communications with independent dealers, retailers, or seed advisors.

REQUEST FOR PRODUCTION NO. 98:

If you planted Syngenta Corn Seed, please produce your Documents and Communications regarding the Syngenta stewardship agreement, including but not limited to your efforts to comply with the Syngenta stewardship agreement.

REQUEST FOR PRODUCTION NO. 99:

If you planted Syngenta Corn Seed, please produce your Documents and Communications concerning your efforts to determine whether grain handlers were accepting or rejecting Syngenta Corn Seed from 2011 through the present.

REQUEST FOR PRODUCTION NO. 100:

If you planted Syngenta Corn Seed, please produce your Documents and Communications with entities to which you delivered corn, including but not limited to grain elevators, ethanol plants, and feed lots, regarding your use of Syngenta Corn Seed.

REQUEST FOR PRODUCTION NO. 101:

If you planted Syngenta Corn Seed, please produce your Documents and Communications concerning the expected or realized yield of your corn harvest, including but

not limited to Documents and Communications comparing yields from Syngenta Corn Seed with other corn seed.

REQUEST FOR PRODUCTION NO. 102:

If you planted Syngenta Corn Seed, please produce all Documents and Communications concerning above-ground pests and/or corn rootworm affecting your harvest from Marketing Year 2007 to the present.

REQUEST FOR PRODUCTION NO. 103:

If you planted Syngenta Corn Seed, for each farming entity in which you have or have had an interest from Marketing Year 2010 to the present, please produce Documents sufficient to show the annual yield and amount harvested of Viptera and/or Duracade corn, the total cost of growing Viptera and/or Duracade corn, and the acreage harvested of Viptera and/or Duracade corn.

REQUEST FOR PRODUCTION NO. 104:

If you planted Syngenta Corn Seed, please produce your Documents and Communications related to your efforts to direct corn grown from Viptera and/or Duracade corn seed toward markets in which they were approved.

REQUEST FOR PRODUCTION NO. 105:

If you planted Syngenta Corn Seed, please produce your Documents and Communications related to your decision to continue or discontinue growing Syngenta Corn Seed after November 2013.

REQUEST FOR PRODUCTION NO. 106:

If you planted Syngenta Corn Seed, please produce your Documents and Communications concerning any efforts by You to ascertain the countries to which corn or corn

grain sourced from your harvests would be exported, and the approval status of Syngenta Corn Seed in those countries.

REQUEST FOR PRODUCTION NO. 107:

To the extent not covered by the preceding Requests for Production, please produce all Documents that you referred to or relied upon in preparing your answers to Interrogatories.

INSTRUCTIONS

1. These Requests incorporate the provisions and definitions of the parties' ESI Protocol ("ESI Protocol"), approved by the Court's September 25, 2015 Order, as well as the provisions of the Court's October 30, 2015 Preservation Order ("Preservation Order").

2. The documents or other things responsive to the Requests, including Electronically Stored Information, shall be produced in a manner consistent with the parties' ESI Protocol.

3. If any of the documents requested above are claimed to be privileged or are otherwise withheld, Plaintiffs are requested to provide a privilege log consistent with § F of the parties' ESI Protocol in a format to be determined.

4. These Requests are intended to cover responsive documents in Plaintiffs' possession, custody, or control, including, but not limited to, documents located at any of Plaintiffs' residences, offices, farms, or at the residences, offices, or farms of Plaintiffs' successors or assigns, accountants, agents, employees, directors, officers, representatives, assistants, bankers, brokers, or others.

5. These Requests shall be deemed continuing and require further supplemental production by Plaintiffs as and whenever they acquire, make, or locate additional documents between the time of the initial production and the time of final judgment in this action.

DEFINITIONS

For purposes of these Requests, the following definitions shall apply:

1. The terms “**Communication(s)**,” “**Document(s)**,” “**Electronic Data**” or “**Data**,” and “**Syngenta Corn Seed**” shall be interpreted consistently with § I of the Preservation Order.
2. The term “**Corn Shipment**” shall refer to all shipments of corn, corn grain, DDGS, and other relevant corn-based products.
3. The term “**Corn**” shall refer to all corn, corn grain, DDGS, other relevant corn-based products, and corn byproducts.
4. The terms “**you**,” “**your**,” and “**Plaintiffs**” shall refer to the individuals to whom these Requests for production are addressed; your agents, and employees; or any person acting on your behalf or on behalf of the above.
5. The term “**Marketing Year**” shall refer to the 12-month period of time preceding August 31st of the referenced year, and the term “**Calendar Year**” shall refer to the 12-month period of time beginning January 1 and ending December 31 for the referenced year.
6. For the purposes of interpreting or construing the scope of these Requests, all terms shall be given their most expansive and inclusive interpretation, including, without limitation, construing “**and**” as well as “**or**” in the disjunctive or conjunctive, as necessary to make the Request more inclusive.

Dated: December 23, 2015

Respectfully submitted,

MASLON LLP

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-and-

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