

**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN**

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**

In re: Syngenta Litigation

This Document Relates to: ALL ACTIONS

Case Type: Civil Other  
Honorable Thomas M. Sipkins

File No.: 27-CV-15-3785

**SYNGENTA'S FIRST SET OF REQUESTS  
FOR PRODUCTION TO NON-  
PRODUCER PLAINTIFFS NAMED AS  
BELLWETHER DISCOVERY  
PLAINTIFFS**

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 Non-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 volume of your corn and distillers’ dried grains with solubles (DDGS) purchases (by dollar amount and quantity) at the locations

operated by you and in which you have or have had an interest from Calendar Year 2010 to the present.

**REQUEST FOR PRODUCTION NO. 2:**

Please produce your Documents sufficient to show the volume of your corn and DDGS sales (by dollar amount and quantity) to customers in the United States, China, and all other export destinations from Calendar Year 2010 to the present, including, if available, Documents reflecting the volume broken down by customer and/or by destination (including export destinations).

**REQUEST FOR PRODUCTION NO. 3:**

Please produce your budgets from Calendar Year 2010 to present, including those showing the monthly budgeted sales quantities and values for corn and DDGS to customers in the United States, China, and all other export destinations, broken down by customer and/or destination. 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 budgets including those showing the monthly budgeted sales quantities and values for milo and/or soybeans.

**REQUEST FOR PRODUCTION NO. 4:**

Please produce your purchase and sales contracts for corn and DDGS from Calendar Year 2010 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 purchase and sales contracts responsive to this Request for milo and/or soybeans.

**REQUEST FOR PRODUCTION NO. 5:**

Please produce your Documents reflecting testing for the presence of genetically modified corn, including, but not limited to, Syngenta Corn Seed, from Calendar Year 2010 to the present, including Communications regarding whether to test for the presence of genetically modified corn, as well as the results of any and all testing for same.

**REQUEST FOR PRODUCTION NO. 6:**

Please produce your Documents reflecting steps taken to prevent commingling of genetically modified corn and non-genetically modified corn, including non-GMO segregation and identity preservation programs, as well as Communications regarding whether to take steps to prevent commingling.

**REQUEST FOR PRODUCTION NO. 7:**

Please produce your Documents sufficient to show the volume (by dollar amount and quantity) of other grains and oilseeds besides corn (e.g. soybeans, sorghum/milo, oats, barley, etc.) purchased at the locations operated by you and in which you have or have had an interest from Calendar Year 2010 to the present.

**REQUEST FOR PRODUCTION NO. 8:**

Please produce your Documents sufficient to show the volume of your sales (by dollar amount and quantity) of other grains and oilseeds besides corn (e.g. soybeans, sorghum/milo, oats, barley, etc.) to customers in the United States, China, and all other export destinations from Calendar Year 2010 to the present, including, if available, Documents reflecting the volume of sales broken down by customer and/or by destination (including export destinations).

**REQUEST FOR PRODUCTION NO. 9:**

Please produce your Documents and Communications that refer or relate to the rejection of any corn or DDGS shipments in which you had an interest from Marketing Year 2010 to the

present, including the justification, if any, for such rejection, as well as Documents and Communications related to the subsequent delivery or non-delivery of any rejected corn or DDGS shipments.

**REQUEST FOR PRODUCTION NO. 10:**

Please produce your Documents and Communications discussing potential, anticipated, or actual risk that corn or DDGS shipments from the United States could be rejected by an export destination country.

**REQUEST FOR PRODUCTION NO. 11:**

Please produce your Documents sufficient to show the possession, purchase, use, or sale by you 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 (including, but not limited to, corn and DDGS), 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. 12:**

Please produce your applications, policy Documents, and Communications with insurers and their agents from Marketing Year 2010 to the present regarding policies that could offset financial losses related to decreased market prices for particular crops (both corn and non-corn) and/or potential rejection of Your shipments by any governmental or non-governmental entity, including any payments received and/or financial recompense of any kind derived from any such policy.

**REQUEST FOR PRODUCTION NO. 13:**

Please produce Documents sufficient to show the amount of grain storage capacity available at any location owned or operated by you, the usage of such capacity broken down by grain and oilseed, and the usage of such capacity broken down by corn and DDGS storage at

each location from Calendar Year 2010 until 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 responsive to this Request with the usage of such capacity broken down by milo and/or soybeans.

**REQUEST FOR PRODUCTION NO. 14:**

Please produce Documents sufficient to show your shipping costs by destination market and form of transport for all domestic and export sales of corn and other grains and oilseeds from Calendar Year 2010 to the present, including, if available, by customer and type.

**REQUEST FOR PRODUCTION NO. 15:**

Please produce your Documents and Communications related to the commercialization and/or import approval status of Syngenta Corn Seed, including, but not limited to, Communications with seed manufacturers, farmers, industry groups, and government entities.

**REQUEST FOR PRODUCTION NO. 16:**

Please produce your Communications with Chinese buyers of corn, DDGS, and other grains and oilseeds, including, but not limited to, COFCO and Sinograin, from Calendar Year 2010 to the present.

**REQUEST FOR PRODUCTION NO. 17:**

Please produce your Documents and Communications regarding actual or forecasted increases and decreases in the market price of corn and DDGS between Calendar 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 Documents and Communications responsive to this Request with respect to actual or forecasted increases and decreases in the market price of milo and/or soybeans.

**REQUEST FOR PRODUCTION NO. 18:**

Please produce your Documents and Communications regarding Chinese importation (or non-importation) of U.S. corn and DDGS between Calendar 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 Documents and Communications responsive to this Request with respect to U.S. milo and/or U.S. soybeans.

**REQUEST FOR PRODUCTION NO. 19:**

Please produce your Documents and Communications related to industry stewardship policies, guidelines, standards, protocols, and articles, including stewardship policies considered and/or implemented by you at any of your facilities, as well as Communications with industry organizations relating to product launch stewardship, trade assessments, stakeholder consultations, asynchronous approval, cross-pollination or incidental commingling, with respect to genetically-modified traits and/or products.

**REQUEST FOR PRODUCTION NO. 20:**

Please produce Documents relating to statements made by Syngenta regarding Syngenta Corn Seed.

**REQUEST FOR PRODUCTION NO. 21:**

Please produce Documents sufficient to show varieties of grains and oilseeds (including, but not limited to, corn) that facilities owned or operated by you refused to accept due to export market acceptance concerns at any point from Calendar Year 2008 to the present, as well as the justification for any such refusal.

**REQUEST FOR PRODUCTION NO. 22:**

Please produce all Documents relating to all costs and expenses you claim to have incurred or injuries and damages you claim to have suffered as a result of the commercialization of Syngenta Corn Seed.

**REQUEST FOR PRODUCTION NO. 23:**

Please produce your unaudited and audited financial statements, and for any period for which you do not have available for production audited financial statements, your state and federal tax returns, from Calendar Year 2009 to the present. Any production of responsive Documents pursuant to this Request shall be treated as Highly Confidential under this Court's Stipulated Protective Order. Any tax returns produced pursuant to this Request may redact social security numbers of any individual and may exclude any K-1 forms prepared in connection with such tax returns.

**REQUEST FOR PRODUCTION NO. 24:**

Please produce the Documents identified in any party's initial disclosures to the extent they are/were within your custody, possession, or control.

**REQUEST FOR PRODUCTION NO. 25:**

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. 26:**

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, corn grain, and/or DDGS during the relevant period.

**REQUEST FOR PRODUCTION NO. 27:**

Please produce your Documents and Communications regarding your decision, if any, to ship corn, corn grain, and/or DDGS to China in 2011, 2012, 2013, and/or 2014, either directly or through a third party/parties. 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 soybeans.

**REQUEST FOR PRODUCTION NO. 28:**

Please produce your Documents and Communications related to Chinese customers “walk[ing] away from their contracts for U.S. corn” because of the “uncertainty associated with the possibility that a shipment might test positive for MIR162” as alleged in Paragraph 205 of the Amended Complaint.

**REQUEST FOR PRODUCTION NO. 29:**

Please produce your Documents and Communications reflecting any efforts to channel Syngenta Corn Seed as well as Communications regarding whether to take steps to channel Syngenta Corn Seed.

**REQUEST FOR PRODUCTION NO. 30:**

Please produce your Documents and Communications concerning whether to accept Syngenta Corn Seed at your facilities or on your shipping devices (or those of a third party), including any consideration of refusing to accept Syngenta Corn Seed.

**REQUEST FOR PRODUCTION NO. 31:**

Please produce your Documents and Communications regarding any requirements you imposed, or considered imposing, on growers as a result of your decision to accept Syngenta



Corn Seed, including whether you asked for any contractual assurances from growers about the seed they had used to grow their corn.

**REQUEST FOR PRODUCTION NO. 32:**

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

**REQUEST FOR PRODUCTION NO. 33:**

Please produce Documents sufficient to show whether each of your grain facilities or shipping devices, or the grain facilities or shipping devices of third parties with which you contracted, has been “equipped to test for the MIR162 trait in corn” or Event 5307 at any time from 2010 to the present. Am. Compl. ¶ 258.

**REQUEST FOR PRODUCTION NO. 34:**

Please produce Documents sufficient to show whether each of your grain facilities or shipping devices, or the grain facilities or shipping devices of third parties with which you contracted, has been equipped to test for any GMO trait other than MIR162 or Event 5307.

**REQUEST FOR PRODUCTION NO. 35:**

Please produce Documents sufficient to show the location (by State) and relative size of all your grain facilities, including elevators and export facilities.

**REQUEST FOR PRODUCTION NO. 36:**

Please produce Documents and Communications sufficient to show the total amount of each commodity that you have bought, sold, and/or shipped on a monthly basis from January 2013 through the present.

**REQUEST FOR PRODUCTION NO. 37:**

Please produce your Documents and Communications supporting or refuting your allegation that Syngenta Corn Seed caused “physical harm” to your “corn, equipment, storage facilities, and land.” Am. Compl. ¶ 236.

**REQUEST FOR PRODUCTION NO. 38:**

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

**REQUEST FOR PRODUCTION NO. 39:**

Please produce Documents and Communications sufficient to identify all of your economic relationships with third parties that you allege were disrupted by Syngenta’s introduction and sale of Syngenta Corn Seed, and Documents and Communications sufficient to show the status of those economic relationships at the time of their alleged disruption (such as whether you were engaged in discussions with the third party or whether you had already signed a contract with the third party, and the terms or prospective terms of each such contract).

**REQUEST FOR PRODUCTION NO. 40:**

For each business relationship that you allege that Syngenta 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. 41:**

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

**REQUEST FOR PRODUCTION NO. 42:**

Please produce your Documents and Communications related to China's import of corn, corn grain, and/or DDGS from Brazil and/or Argentina without testing for the MIR162 genetic trait and/or Event 5307.

**REQUEST FOR PRODUCTION NO. 43:**

Please produce your Documents and Communications related to China's import of corn, corn grain, and/or DDGS from Brazil and/or Argentina containing the MIR162 genetic trait and/or Event 5307 from January 2013 to January 2015.

**REQUEST FOR PRODUCTION NO. 44:**

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. 45:**

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

**REQUEST FOR PRODUCTION NO. 46:**

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

**REQUEST FOR PRODUCTION NO. 47:**

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

**REQUEST FOR PRODUCTION NO. 48:**

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. 49:**

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. 50:**

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. 51:**

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. 52:**

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. 53:**

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. 54:**

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.

**REQUEST FOR PRODUCTION NO. 55:**

Please produce your Documents and Communications concerning the predictability or regularity of China's imports of U.S. corn and/or DDGS.

**REQUEST FOR PRODUCTION NO. 56:**

Please produce your Documents and Communications concerning the predictability or regularity of China's import approval process.

**REQUEST FOR PRODUCTION NO. 57:**

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

**REQUEST FOR PRODUCTION NO. 58:**

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

**REQUEST FOR PRODUCTION NO. 59:**

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

**REQUEST FOR PRODUCTION NO. 60:**

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

**REQUEST FOR PRODUCTION NO. 61:**

Please produce your Documents and Communications related to China's testing for the MIR162 genetic trait and/or Event 5307.

**REQUEST FOR PRODUCTION NO. 62:**

Please produce your Documents and Communications regarding the Chinese approval process for biotech traits.

**REQUEST FOR PRODUCTION NO. 63:**

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. 64:**

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. 65:**

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. 66:**

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 in the United States District Court for the Northern District of Iowa.

**REQUEST FOR PRODUCTION NO. 67:**

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. 68:**

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. 69:**

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. 70:**

Please produce your Documents and Communications regarding China’s biosafety certificate requirements for U.S. shipments of corn and/or DDGS, including any requirement concerning when a biosafety certificate is required relative to the time the Corn Shipment leaves the United States.

**REQUEST FOR PRODUCTION NO. 71:**

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. 72:**

Please produce all Documents discussing or related to the August 17, 2011 “letter to Viptera growers” referred to in Paragraph 148 of the Amended Complaint.

**REQUEST FOR PRODUCTION NO. 73:**

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 § 325F.69.” Am. Compl. ¶ 341.

**REQUEST FOR PRODUCTION NO. 74:**

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. 75:**

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. 76:**

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. 77:**

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. 78:**

Please produce all Documents and Communications related to any contracts for the Corn Shipments that were allegedly rescinded due to actions alleged in the Complaint. *See, e.g.,* Am. Compl. ¶ 294.

**REQUEST FOR PRODUCTION NO. 79:**

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. 80:**

Please produce your Documents and Communications concerning the testing of corn and/or DDGS shipments to China for genetic traits, including Documents and Communications regarding the practice of testing at the point of departure versus testing at the destination.

**REQUEST FOR PRODUCTION NO. 81:**

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. ¶ 296.

**REQUEST FOR PRODUCTION NO. 82:**

Please produce Documents sufficient to show whether you or any investment group with which you are or were affiliated bought, sold, or exchanged shares and/or ownership interests in any Defendant entity between 2010 and the present, including, but not limited to, shares publicly traded on the New York Stock Exchange under the stock symbol "SYT" and the SIX Swiss Exchange under the stock symbol "SYNN."

**REQUEST FOR PRODUCTION NO. 83:**

Please produce all Documents and Communications supporting or refuting your allegation that you suffered any non-economic losses due to Defendants' alleged actions, including damage to your reputation and loss of goodwill among its customers and commercial suppliers.

**REQUEST FOR PRODUCTION NO. 84:**

Please produce all Documents that you referred to or relied upon in preparing any of your Complaints.

**REQUEST FOR PRODUCTION NO. 85:**

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

**REQUEST FOR PRODUCTION NO. 86:**

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.

**REQUEST FOR PRODUCTION NO. 87:**

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

**REQUEST FOR PRODUCTION NO. 88:**

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

**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 28, 2015

Respectfully submitted,

**MASLON LLP**

By: /s/ David T. Schultz  
David T. Schultz (#169730)  
D. Scott Aberson (#0387143)  
3300 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
Telephone: 612-672-8200  
Facsimile: 612-672-8397  
E-mail: david.schultz@maslon.com  
scott.aberson@maslon.com

-and-

**KIRKLAND & ELLIS LLP**

Michael D. Jones (*admitted pro hac vice*)  
Edwin John U (*admitted pro hac vice*)  
Ragan Naresh (*admitted pro hac vice*)  
Patrick Haney (*admitted pro hac vice*)  
655 15th Street Northwest, Suite 1200  
Washington, DC 20005  
Telephone: 202-879-5000  
Facsimile: 202-879-5200  
E-mail: mjones@kirkland.com  
edwin.u@kirkland.com  
ragan.naresh@kirkland.com  
patrick.haney@kirkland.com

**ATTORNEYS FOR SYNGENTA CORPORATION,  
SYNGENTA CROP PROTECTION LLC,  
SYNGENTA SEEDS, INC., AND  
SYNGENTA BIOTECHNOLOGY, INC.**

4849-4014-5708