

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS  
LIABILITY LITIGATION

MDL No. 2741

Case No. 16-md-02741-VC

This document relates to:  
ALL ACTIONS

**PRETRIAL ORDER NO. 39:  
RE LETTER BRIEF CONCERNING  
EXHIBIT LISTS**

Re: Dkt. Nos. 1138, 1152

The Court rules as follows with respect to the issues raised in the parties' February 20, 2018 Letter Brief and Monsanto's supplemental letter brief of February 27, 2018:

- ◆ Experts may reference materials reviewed after their depositions so long as the purpose of discussing such materials is not to offer any new opinions, and so long as these materials have now been disclosed to the other side.
- ◆ The plaintiffs may use documents relating to alleged ghostwriting of studies. This ruling is subject to reevaluation during the hearing if it becomes clear that the plaintiffs are wasting time on the issue of ghostwriting.
- ◆ The parties are not required to identify impeachment documents in advance. The plaintiffs will be expected to alert the Court before discussing or introducing as impeachment material any document still designated confidential.
- ◆ The plaintiffs must identify the portions of the Knezevich and Hogan 1983 mouse study they intend to introduce by Wednesday, February 28, 2018 at 5 p.m., and any dispute regarding the confidentiality of those portions of the study must be submitted to the Court

by Friday, March 2, 2018.

**IT IS SO ORDERED.**

Dated: February 27, 2018

A handwritten signature in black ink, appearing to read 'VCH', is positioned above a horizontal line.

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VINCE CHHABRIA  
United States District Judge