

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:

Hardeman v. Monsanto, 3:16-cv-00525-VC

**PRETRIAL ORDER NO. 97:
EVIDENTIARY RULINGS ON
DR. PORTIER'S RE-DIRECT AND
RE-CROSS TESTIMONY**

The following are the Court's evidentiary rulings on the parties' designations for Dr. Portier's re-direct and re-cross deposition designations.

<u>Page Where Objection Appears</u>	<u>Ruling</u>
599-60	Overruled
573	Overruled
582-84	Overruled until 583:08; sustained as to the remainder.
585-86	Sustained
586-87	Overruled
587-88 and 588-90	If Monsanto wishes to use this statement from Dr. Portier's cross, he must be permitted to explain it on redirect. Therefore, the objection is largely overruled. However, regardless of whether Monsanto uses the statement from cross, the objection to 590:13-22 is sustained.
590-91	Sustained
601-02	Overruled
602-06	The argumentative objection is overruled; the colloquy objection is sustained.
613-15	Overruled (assuming Monsanto continues to use the statement from cross, which would bring in the redirect testimony, which would then bring in this testimony).

Remaining objections

Overruled. In light of the unusual posture of Dr. Portier's testimony and the difficulties involved in taking it, the designations from re-re-direct and re-re-cross will be admitted.

IT IS SO ORDERED.

Date: February 28, 2019

A handwritten signature in black ink, appearing to read 'Vince Chhabria', is written over a horizontal line.

Honorable Vince Chhabria
United States District Court