

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. 126:
RULING ON PHASE 2 DESIGNATIONS
FOR LARRY KIER**

The following are the Court's evidentiary rulings on the Phase 2 designations for Dr.


Kier:

<u>Page Where Objection Appears</u>	<u>Ruling</u>
29-30	Sustained
47	The objection to Monsanto's counter-designation is overruled
77-173	Overruled
Pages 78-onwards	It appears that the remainder of the testimony is about the 2013 Kier & Kirkland article, and about subsequent articles. All testimony about the 2013 Kier & Kirkland article would likely be admissible if it were an example of Monsanto's attempting to ghostwrite articles, because the conduct leading up to the publication of the article goes back to at least 2011. However, the evidence appears uncontroverted that Saltmiras wanted to be a listed author, and that Monsanto contemplated that he would be listed as an author, but that he was excluded by the authors themselves. Therefore, this testimony will be excluded absent an offer of proof by the plaintiff Monday morning that the 2013 Kier & Kirkland article is an example of Monsanto's ghostwriting, or that the conduct surrounding the article is admissible on some

other basis. Incidentally, for the same reason, the Saltmiras testimony about post-2012 conduct relating to the 2013 Kier & Kirkland article is excluded absent such an offer of proof.

IT IS SO ORDERED.

Date: March 24, 2019



Honorable Vince Chhabria
United States District Court