

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL,)	
Attorney General of the State of Illinois,)	
)	
Complainant,	)	PCB No. 22-79
	)	(Enforcement—Air)
v.)	
)	
CURLESS FLYING SERVICE, INC.,)	
an Illinois corporation, and)	
FARM AIR, INC., an Illinois corporation,)	
)	
Respondents.)	

NOTICE OF FILING

TO: See attached service list

PLEASE TAKE NOTICE that I have filed today with the Office of the Clerk of the Pollution Control Board by electronic filing the following Complainant’s Motion for Summary Judgment and Exhibits, copies of which are attached and hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
KWAME RAOUL, Attorney General of the
State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

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Dated: January 16, 2026

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COMPLAINANT’S MOTION FOR SUMMARY JUDGMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, pursuant to Section 2-1005 of the Code of Civil Procedure, 735 ILCS 5/2-1005 (2024), and Section 101.516 of the Illinois Pollution Control Board’s Procedural Rules, 35 Ill. Adm. Code 101.516, hereby moves for summary judgment against Respondents, CURLESS FLYING SERVICE, INC., an Illinois corporation and FARM AIR, INC., an Illinois corporation.

COMPLAINANT’S CASE

In support of this motion, Complainant relies upon Complainant’s May 23, 2022 Complaint, Complaint Exhibit A - Application Report, the Answer filed on September 30, 2022 by Curless Flying Service, Inc. and Farm Air, Inc., and the following documents which are incorporated herein as part of this Motion for Summary Judgment:

1. Sultrus (insecticide), Avaris (fungicide), and Coron (fertilizer) labels, produced by CURLESS FLYING SERVICE, INC. and FARM AIR, INC. attached as Complainant MSJ Exhibit 1.

2. Testimony from Michael Ewing's deposition conducted on October 29, 2024, attached as Complainant MSJ Exhibit 2.¹
3. Map containing markings by Michael Ewing produced by CURLESS FLYING SERVICE, INC. and FARM AIR, INC. attached as Complainant MSJ Exhibit 3.
4. Testimony from Joe Curless's deposition conducted on September 13, 2024, attached as Complainant MSJ Exhibit 4.
5. As-applied map created by Joe Curless produced by CURLESS FLYING SERVICE, INC. and FARM AIR, INC. attached as Complainant MSJ Exhibit 5.
6. Testimony from Maria Zuniga's deposition conducted on July 3, 2024, attached as Complainant MSJ Exhibit 6.
7. Testimony from Ramon Hernandez Jr.'s deposition conducted on August 23, 2024, attached as Complainant MSJ Exhibit 7.
8. Testimony from Jesus Zuniga Jr.'s deposition conducted on June 5, 2024, attached as Complainant MSJ Exhibit 8.
9. Testimony from Jesus Zuniga Sr.'s deposition conducted on June 7, 2024, attached as Complainant MSJ Exhibit 9.
10. Testimony from Yadira Elena Sierra Zuniga's deposition conducted on June 13, 2024, attached as Complainant MSJ Exhibit 10.
11. Testimony from Jose Zuniga conducted on May 22, 2024, attached as Complainant MSJ Exhibit 11.

¹ The parties agreed that counsel for Complainant would be notified and invited to attend the depositions taken and defended by counsel for Respondents in the related federal matter (*Hada Garcia et. al v. Pioneer Hi-Bred Int'l, Inc. et. al*, No. 20-cv-03322-SEM (C.D. IL)) that addressed the same underlying facts to avoid duplicative depositions and conserve resources and time.

12. Testimony from Mario Gonzalez's deposition conducted on August 19, 2024, attached as Complainant MSJ Exhibit 12.
13. Testimony from Luis Sifuentes's deposition conducted on November 6, 2024, attached as Complainant MSJ Exhibit 13.
14. Testimony from Miguel Cavazos Sifuentes's deposition conducted on August 20, 2024, attached as Complainant MSJ Exhibit 14.
15. Testimony from Alberto Montalvo Jr.'s deposition conducted on May 30, 2024, attached as Complainant MSJ Exhibit 15.
16. Testimony from Alberto Montalvo Sr.'s deposition conducted on May 14, 2024 attached as Complainant MSJ Exhibit 16
17. Testimony from Hada Garcia's deposition conducted on September 20, 2024, attached as Complainant MSJ Exhibit 17.
18. Testimony from David Omar Carraeon Jr. on September 26, 2024, attached as Complainant MSJ Exhibit 18.
19. Testimony from Adrian Perez's deposition conducted on July 25, 2024, attached as Complainant MSJ Exhibit 19.
20. Testimony from Anahi Perez's deposition conducted on August 29, 2024, attached as Complainant MSJ Exhibit 20.
21. Testimony from Consuelo Perez's deposition conducted on August 30, 2024, attached as Complainant MSJ Exhibit 21.

FACTS

Respondent Curless Flying Service, Inc. ("Curless") is an Illinois corporation that provides aerial pesticide application ("or crop dusting") services to farms within the State of Illinois. Ans.

at 3. Respondent Farm Air, Inc. (“Farm Air”) is an Illinois corporation that provides and maintains aircraft used on farms. Ans. at 4. Respondent Curless employs pilots to conduct aerial pesticide applications. Ex. 2 Ewing Dep. 51:5 (October 29, 2024). After an application is completed, Respondent Curless creates a map (“as-applied map”) showing where product was actually applied in a green area and red lines showing the track the plane flew without spraying. Ex. 4 Curless Dep. 53:18-54:1; 56:19-58:18 (September 13, 2024); Ex. 5 as applied map. The as-applied map shows the path of the plane both when the sprayer was on and when it was off. *Id.*

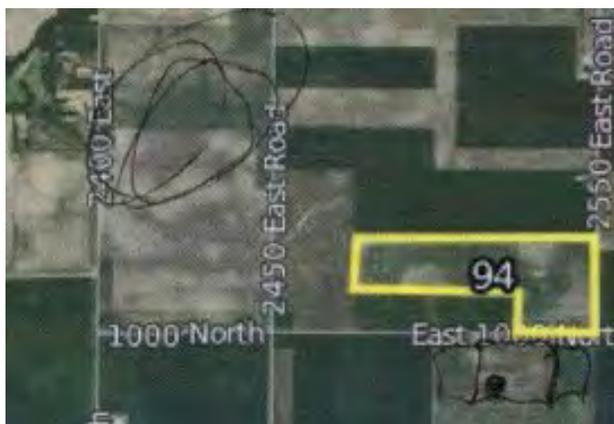
While conducting aerial pesticide applications, circumstances can arise that require stopping, delaying, or changing plans for an aerial application. These circumstances include if people are too close to a field, if the wind is blowing in the wrong direction toward houses, or obstacles in the field of which the pilot was previously unaware. Ex. 2 Ewing Dep. 68:5-69:6; 70:15-19. Pilots can determine the direction of wind by using a device on the plane called a “smoker” that is used to “put out smoke and that tells you what the wind is doing.” Ex. 2 Ewing Dep. 73:1-3. However, there are occasions when the wind may be doing something different lower to the ground than it is higher up where the pilot is flying when testing the smoker. Ex. 2 Ewing Dep. 74:13-18. Other safety practices and guidelines include inspecting areas around the application site to confirm no people are around and altering the application flight pattern if circumstances require. Ex. 2 Ewing Dep. 70:15-19; 84:9; 95:1-21; 96:14-97:3; Ex. 4 Curless Dep. 95:4-10.

On August 5, 2019, Respondent Curless conducted an aerial pesticide application with Respondent Farm Air’s plane on a field known as “Moo Maw.” Ans. at 5 and 7; Complaint Exhibit A - Application Report. The application included a combination of the insecticide Sultrus (cyfluthrin and cyano), fungicide Avaris (azoxystrobin and propiconazole), and the fertilizer

Coron. *Id.* The Moo Maw field is a 94-acre field located in De Witt County, Illinois. Complaint Exhibit A - Application Report.

The Sultrus label prohibits applying the product, a restricted use pesticide, in a way that will contact workers or other persons, either directly or through drift. Ex. 1 at 4. The Sultrus label also provides that the product causes moderate eye irritation and is harmful if swallowed or inhaled. Ex. 1 at 2. The Avaris label prohibits application in a manner that will result in exposure to humans or animals. Ex. 1 at 34. The Avaris label also provides that the product causes substantial but temporary eye injury, is harmful if swallowed, and warns users to avoid contact with eyes, skin, and clothing. Ex. 1 at 27. The Coron label prohibits applying the product in such a manner as to directly expose workers or other persons Ex. 1 at 62. The Coron label provides that the product causes serious eye irritation and may be harmful in contact with skin and if inhaled. Ex. 1 at 62.

On that same date, August 5, 2019, farmworkers were working in a field located approximately one quarter mile (approximately 1,320 feet) west of the Moo Maw field. Ex. 2 Ewing Dep. 105:23-106:6; 168:15-169:4. This is the same location the pilot circled on the map where he had viewed the farmworkers. Ex. 2 Ewing Dep. 139:21-23; Ex. 3.



See Ex. 3.

The pilot conducting the aerial application at the Moo Maw field on August 5, 2019 saw farmworkers with “some orange on” in a field to the west of the Moo Maw field before he got to the Moo Maw field. Ex. 2 Ewing Dep. 105:23-106:6; 168:15-169:4. Following this observation, the pilot began the application in the Moo Maw field. Ex. 2 Ewing Dep. Page 106:4-7; 170:7.

The pilot flew the plane in lateral passes, west to east and east to west, over the Moo Maw field, and longitudinal passes, north to south and south to north, over the Maxwell field located immediately southeast of the Moo Maw field. Ex. 2 Ewing Dep page 156:19; 165:14; Ex. 5 as-applied map. The pilot made approximately 18 passes in the lateral direction over the Moo Maw field. Ex. 2 Ewing Dep. Page 154:15-22; Ex. 5 as-applied map. The flight pattern of the plane based on the as-applied map shows the red lines indicating the sprayer was off where the plane was making turns over adjacent fields, including over the field in which the farmworkers were observed, and green over the area in which product was applied, including over a country road. Ex. 4 Curless Dep. 66:15-68:15; 76:24-80:15; 151:15-22; Ex. 5 as-applied map. Specifically, the red lines show a pass to the very north of the field in which farmworkers were observed, two passes near the area the pilot circled on Exhibit 3, and several additional passes just below those, where the pilot was turning the plane around to continue with the application on the field approximately one quarter of a mile east of the field with the farmworkers. Ex. 5 as-applied map.



See Ex. 5.

At the completion of the application, the pilot made markings on a map, circling where a vehicle was located to the south of the Maxwell Field where he didn't want to spray. Ex. 2 Ewing Dep. 135:11-22; Ex. 3.

On August 5, 2019, farmworkers observed a plane flying over the field they were in. Ex. 6 Maria Zuniga Dep. 19:3-22; 30:12; 63:9-10 (July 3, 2024); Ex. 7 Ramon Hernandez Jr. Dep. 57:8-9; 73:17-20 (August 23, 2024); Ex. 8 Jesus Zuniga Jr. Dep. 20:23-21:7; 27:1-5 (June 5, 2024); Ex. 9 Jesus Zuniga Sr. Dep. 22:13 (June 7, 2024); Ex. 12 Mario Gonzalez Dep. 54:1-3 (August 19, 2024); Ex. 13 Luis Sifuentes Dep. 10:8-12; 14:16-20; 18:4-10 (November 6, 2024); Ex. 15 Alberto Montalvo Jr. Dep. 65:11-14, 16-17 (May 30, 2024); Ex. 17 Hada Garcia Dep. 26: 4-6, 16-20 (September 20, 2024); Ex. 18 David Omar Carreon Jr. Dep. 52:21-53:19 (September 26, 2024); Ex. 20 Anahi Perez Dep. 53:19-24; 54:25-55:16; 64:15-65 at 1; Ex. 21 Consuelo Perez Dep. 42:17-20 (August 30, 2024).

On August 5, 2019, at least 9 farmworkers felt spray at the time they saw the airplane. Ex. 7 Ramon Hernandez Jr. Dep. 57:21-23; Ex. 8 Jesus Zuniga Jr. Dep. 21:7-19; 29:13-15; Ex. 12 Mario Gonzalez Dep. 55:12-13, 20; 56:6-7; Ex. 13 Luis Sifuentes Dep. 14:16-20; Ex. 14 Miguel Cavazos Sifuentes Dep. 56:6-7; 62:4-5; 67:16-69:6 (August 20, 2024); Ex. 15 Alberto Montalvo Jr. Dep. 31:14, 16-18 (May 30, 2024); Ex. 17 Hada Garcia Dep. 26:23 (September 20, 2024); Ex. 18 David Omar Carreon, Jr. Dep. 50:5-6; Ex. 20 Anahi Perez Dep. 65:4-9 (August 29, 2024);

On August 5, 2019, at least 9 farmworkers experienced a smell at the time they saw the airplane. Ex. 7 Ramon Hernandez Jr. Dep. 12:20-21; Ex. 8 Jesus Zuniga Jr. Dep. 30:8; Ex. 10 Yadira Elena Sierra Zuniga Dep. 74:23-75:4 (June 13, 2024); Ex. 12 Mario Gonzalez Dep. 57:13-19; Ex. 13 Luis Sifuentes Dep. 25:23-26:6; Ex. 15 Alberto Montalvo Jr. Dep. 70:9; Ex. 17 Hada

Garcia Dep. 33:20-22; Ex. 18 David Omar Carreaon Jr. Dep. 50:9; Ex. 20 Anahi Perez Dep. 65:21-24; 66:14-15.

Farmworkers reported various symptoms on August 5, 2019 and shortly thereafter including the following:

- Dizzy, nauseous, itchy and painful throat from being in the truck with workers who had been in the field when the plane flew over. Ex. 6 Maria Zuniga Dep. 33:1-4, 18.
- Breathing failing, heavy chest, nausea, watery eyes, and itchy face the night after August 5. Ex. 7 Ramon Hernandez Jr. Dep. 15:21-24.
- Tingling and numbness and harder to breathe. Ex. 8 Jesus Zuniga Jr. Dep. 21:17-19.
- Normally when he worked in the fields he could touch his face and mouth and nothing happened, but that day when he touched his mouth and face his lips got numb. Ex. 9 Jesus Zuniga Sr. Dep. 28:3-7.
- Headache, nausea, dizziness, abdominal pain, diarrhea, and loss of appetite. Ex. 10 Yadira Elena Sierra Zuniga Dep. 53:5-6, 10-11.
- Dryness of his tongue and mouth, a headache, and tightness of breath with his throat closing in after exiting the field. Ex. 11 Jose Zuniga Dep. 47:23; 50:2-7 (May 22, 2024).
- Eye irritation, coughing, and chest pain and tightness at the time when they were sprayed. Ex. 12 Mario Gonzalez Dep. 86:21-23; 87:4-8.
- Itching all over himself, his arms, his throat hurt, his eyes, his nose, and his throat was closing up. Ex. 13 Luis Sifuentes Dep. 27:17-21.
- Felt disoriented and had a headache. Ex. 15 Alberto Montalvo Jr. Dep. 82:19.
- Nausea, dizziness, and burning eyes. Ex. 17 Hada Garcia Dep. 36:15; 41:6.
- His eyes were burning, he felt a little itchy, a headache, and he threw up when he got back to the hotel. Ex. 18 David Omar Carreaon Jr. Dep. 66:6-8.
- Observed her brother as unresponsive with his eyes rolling back into his head. Ex. 20 Anahi Perez Dep. 17:14-24.

- She stopped breathing and felt unwell after she had been told to leave the fields fast because a plane was spraying. Ex. 21 Consuelo Perez Dep. 44:6-8; 46:17-18.

Ambulances were called for a couple of the farmworkers. Ex. 11 Jose Zuniga Dep. 75:12-14; Ex. 14 Miguel Cavazos Sifuentes Dep. 74:20-75:4; Ex. 19 Adrian Perez Dep. 66:18-19 (July 25, 2024); Ex. 20 Anahi Perez Dep. 81:7-16; Ex. 21 Consuelo Perez Dep. 55:23. Other farmworkers went to a hospital in their own transportation. Ex. 6 Maria Zuniga Dep. 39:20; Ex. 7 Ramon Hernandez Jr. Dep. 15:17-18; Ex. 8 Jesus Zuniga Jr. Dep. 52:13-14; Ex. 9 Jesus Zuniga Sr. Dep. 38:12; Ex. 13 Luis Sifuentes Dep. 27:17-18; Ex. 15 Alberto Montalvo Jr. Dep. 82:19-20; Ex. 16 Alberto Montalvo Sr. Dep. 118:16; Ex. 17 Hada Garcia Dep. 40:22-41:1; Ex. 18 David Omar Carreon Jr. Dep. 72:4-9; Ex. 20 Anahi Perez Dep. 83:6. Some of the farmworkers received a high-pressure shower after they reported they were sprayed. Ex. 8 Jesus Zuniga Jr. Dep. 53:17-20.

LEGAL STANDARD

Section 101.516(b) of the Board's Procedural Rules, 35 Ill. Adm. Code 101.516(b), provides that if the record, including pleadings, depositions and admissions on file, together with any affidavits, shows that there is no genuine issue of material fact, and that the moving party is entitled to judgment as a matter of law, the Board will enter summary judgment.

A motion for summary judgment should be granted when the pleadings demonstrate that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. 35 Ill. Adm. Code 101.516(b); *People ex. rel. Madigan v. Lincoln, Ltd.*, 383 Ill. App. 3d 198, 204 (1st Dist. 2008). A genuine issue of material fact exists when "the material facts are disputed, or, if [they] are undisputed, reasonable persons might draw different inferences from the undisputed facts." *Adames v. Sheahan*, 233 Ill. 2d 276, 296 (2009).

Inferences or conclusions drawn from the evidentiary material before the court must be reasonable; courts are not required to adduce remote factual possibilities in favor of the opponent of such a motion. *Gehrman v. Zajac*, 34 Ill. App. 3d 164, 166 (1st Dist. 1974). The use of summary judgment is encouraged under Illinois law when the right of the moving party is clear and free from doubt to facilitate litigation and avoid unnecessary trials. *Lincoln*, 383 Ill. App. 3d at 204.

In an enforcement action, Section 31(e) places burden of proof on the complainant to show that the respondent has caused or threatened to cause air pollution. 415 ILCS 5/31(e) (2024). If such proof has been made, the burden shall be on the respondent to show that compliance would impose an arbitrary or unreasonable hardship. *Id.* The sufficiency of the proof is assessed by reference to the Section 33(c) criteria. *Incinerator, Inc. v. Pollution Control Bd.*, 59 Ill.2d 290, 300 (1974). The Board is not required to find against the respondent with respect to each of the Section 33(c) criteria and is authorized to consider all facts and circumstances. *Wells Manufacturing Company v. Pollution Control Bd.*, 73 Ill.2d 226, 233 (1978).

ARGUMENT

There is no doubt that Curless Flying Service, Inc. and Farm Air, Inc. are responsible for causing, threatening, or allowing the discharge of a contaminant into the environment so as to cause or tend to cause air pollution based on the event that occurred on August 5, 2019. The Farm Air, Inc. crop dusting plane flew in such close proximity to the field in which farmworkers were working that the pilot observed the farmworkers, proceeded to apply the chemicals to the field located east of the field with farmworkers by approximately one quarter of a mile, and continued to use a flight pattern east and west that included swaths over the field in which farmworkers were observed. Ewing Dep. 105:23-106:7; 168:15-169:4; 170:7; Ex. 5 as-applied map. The Act is *malum prohibitum* and no proof of guilty knowledge or *mens rea* is necessary to finding a

violation. *Freeman Coal Mining Corp. v. Pollution Control Bd.*, 21 Ill. App. 3d 157, 163 (5th Dist. 1974) (citing *Meadowlark Farms, Inc. v. Pollution Control Bd.*, 17 Ill. App. 3d 851 (5th Dist. 1974)). Instead, to prove a violation of the Act or the Illinois Pollution Control Board regulations adopted thereunder, Complainant “must show that the alleged polluter has the capability or control over the pollution or that the alleged polluter was in control of the premises where the pollution occurred.” *People v. A.J. Davinroy Contractors*, 249 Ill. App. 3d 788, 793 (5th Dist. 1993). The owner of the source of pollution is responsible for that pollution unless the facts establish the owner either lacked the capability to control the source or had undertaken extensive precautions to prevent intervening causes. *Id.* (citing *Perkinson v. Pollution Control Bd.*, 187 Ill. App. 3d 689 (3rd Dist. 1989)).

Respondents controlled the pollution by flying the plane and choosing to perform the application in lateral passes which involved flying in the airspace directly over the field in which farmworkers had been observed. Ans. at 5 and 7; Application Report; Ewing Dep 156:19; 165:14; 171:15; Ex. 5 as-applied map. Air pollution occurred the moment the pilot continued the flight pattern over the farmworkers at least twice as reflected by the circle marking made by the pilot on a map of the application field (Ex. 3). The pilot’s marking on the map, when compared to the red lines located on the as-applied map (Ex. 5), demonstrate that he knew the farmworkers were present and chose to fly directly over the same field where he had observed farmworkers, and further chose to fly several additional times over the field just below and adjacent to where he circled he had observed the farmworkers, while in the course of conducting an aerial application of insecticide, fungicide, and fertilizer in the Moo Maw field.

The pathway of the plane alone, when considering the close proximity and the risk factor of drift, irrespective of the precise operation of the sprayers, threatened the discharge of

contaminants so as to tend to cause air pollution. Similarly, whether the farmworkers were directly exposed, exposed through contact with co-workers, or not directly exposed at all, the flight of the plane over the field in which the farmworkers were working, at a minimum, threatened the discharge of contaminants so as to cause or tend to cause air pollution.

No reasonable person could conclude that flying a crop dusting plane several times over a field in which farmworkers were working in the course of conducting an application to a neighboring field separated by approximately one quarter of a mile did not cause, threaten, or allow the discharge of contaminants so as to cause or tend to cause injuries to human health or to unreasonably interfere with the enjoyment of life. Therefore, Complainant is entitled to judgment as a matter of law for the violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2024).

I. Flying the crop dusting plane over the field with farmworkers during the course of an application to a neighboring field threatened the discharge of agrichemicals into the environment so as to tend to cause injuries to human health and unreasonably interfere with the enjoyment of life.

Section 9(a) of the Illinois Environmental Protection Act provides, in part, that no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources... 415 ILCS 5/9(a) (2024). The language, “cause, or threaten or allow” in the Act not only prohibits causing pollution but also threatening to cause pollution. See *Allaert Rendering, Inc. v. Pollution Control Bd.*, 91 Ill. App. 3d 153, 156 (3rd Dist. 1980). “Threaten” can be established by showing a very definite danger of pollution at any time. *City of Des Plaines v. Pollution Control Bd.*, 60 Ill. App. 3d 995, 1002 (1st Dist. 1978).

“Air pollution” is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property. 415

ILCS 5/3.115 (2024). “Contaminant” includes any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source. 415 ILCS 5/3.165 (2024).

Respondents, corporations, are each a “person” as that term is defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2024). The insecticide Sultrus, fungicide Avaris, and the fertilizer Coron are each a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165. It is reasonable to conclude from the label warnings that even incidental exposure to these agrichemicals are injurious to human health and would unreasonably interfere with the enjoyment of life. Ex. 1.

It is undisputed that the pilot viewed the farmworkers while flying a crop dusting plane during the course of an application to a field located approximately one quarter of a mile east of the field with farmworkers, and that the application was conducted in a manner in which the plane was making turns over the field in which workers had been observed. Ex. 2 Ewing Dep. Page 105:23-106:1; 168:15-169:4; Ex. 5 as-applied map. The flight pattern of the plane alone is sufficient to prove that Respondents threatened the discharge of contaminants so as to cause or tend to cause injuries to human health and to unreasonably interfere with the enjoyment of life. The applicator being off as the plane was flying over the field with farmworkers, shown on the as-applied map by red lines and not highlighted green, does not negate the risk of a change in wind or incidental drift harming the workers located approximately one quarter mile away from where the applicator was definitely turned on for multiple passes, resulting in, at a minimum, a significant threat of air pollution.

Aerial applications of Sultrus, Avaris, and Coron pose a definite danger of pollution when they are conducted and several safety measures exist to prevent an incidental spraying on anyone, including inspecting areas surrounding an application field to confirm no one is around and

stopping, delaying, or changing plans for an application if people are too close to a field, if the wind is blowing in the wrong direction, or if there are obstacles in the field. Ex. 2 Ewing Dep. 68:5-69:6; 70:15-19; 84:9; 95:1-21; 96:24-97:3; 97:7-98:1; Ex. 4 Curless Dep. 95:4-10. At a minimum, the pattern of flight over the field in which the farmworkers were working threatened the discharge of contaminants into the environment so as to tend to cause air pollution. That is the point of the safety measures described by Respondents. Ex. 2 Ewing Dep. 68:5-69:6; 70:15-19; 84:9; 95:1-21; 96:24-97:3; 97:7-98:1; Ex. 4 Curless Dep. 95:4-10. Safety measures, that, if implemented here, likely would have included either changing the flight pattern to north-south, delaying the application altogether, or otherwise adjusting the plans for the day in order to avoid flying in close proximity to the farmworkers as was done for the vehicle located south of the application field. Ex. 2 Ewing Dep. 135:11-22; 170:8-171:19.

The moment Respondent Curless's pilot continued the application and path of Respondent Farm Air, Inc.'s plane containing Sultrus, Avaris, and Coron over the field nearby farmworkers, Respondents violated Section 9(a), 415 ILCS 5/9(a) (2024), by causing, threatening, or allowing the discharge of contaminants into the environment so as to cause or tend to cause air pollution.

II.. Several farmworkers experienced a strong chemical odor on August 5, 2019 and reported various symptoms including eye irritation, dizziness, nausea, and difficulty breathing consistent with the warnings on the product labels.

For summary judgment, Complainant succeeds based on Section I alone. The undisputed flight pattern of the plane containing insecticide, fungicide, and fertilizer, shows the plane using the field in which farmworkers were observed to make its turns. This action threatened the discharge of contaminants into the environment so as to cause or tend to cause injury to human health or unreasonably interfere with the enjoyment of life in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2024).

But here, sworn testimony from farmworkers in the field on August 5, 2019 describe actual injuries and includes observations and/or exposure to spray the same time during which the plane flew overhead. Ex. 7 Ramon Hernandez Jr. Dep. 57:21-23; Ex. 8 Jesus Zuniga Jr. Dep. 21:7-19; 29:13-15; Ex. 12 Mario Gonzalez Dep. 55:12-13, 20; 56:6-7; Ex. 13 Luis Sifuentes Dep. 14:16-20; Ex. 14 Miguel Cavazos Sifuentes Dep. 56:6-7; 62:4-5; 67:16-69:6; Ex. 15 Alberto Montalvo Jr. Dep. 31:14, 16-18; Ex. 17 Hada Garcia Dep. 26:23; Ex. 18 David Omar Carreon, Jr. Dep. 50:5-6; Ex. 20 Anahi Perez Dep. 65:4-9;

Several farmworkers experienced a smell characterized as strong and chemical at the time they saw the airplane. Ex. 7 Ramon Hernandez Jr. Dep. 12:20-21; Ex. 8 Jesus Zuniga Jr. Dep. 30:8; Ex. 10 Yadira Elena Sierra Zuniga Dep. 74:23-75:4; Ex. 12 Mario Gonzalez Dep. 57:13-19; Ex. 13 Luis Sifuentes Dep. 25:23-26:6; Ex. 15 Alberto Montalvo Jr. Dep. 70:9; Ex. 17 Hada Garcia Dep. 33:20-22; Ex. 18 David Omar Carreaon Jr. Dep. 50:9; Ex. 20 Anahi Perez Dep. 65:21-24; 66:14-15;

At least 12 farmworkers described feeling unwell and symptoms including eye irritation, dizziness, nausea, and breathing difficulty, as described above. Ex. 6 Maria Zuniga Dep. 33:1-4, 18; Ex. 7 Ramon Hernandez Jr. Dep. 15:21-24; Ex. 8 Jesus Zuniga Jr. Dep. 21:17-19; Ex. 9 Jesus Zuniga Sr. Dep. 28:3-7; Ex. 10 Yadira Elena Sierra Zuniga Dep. 53:5-6, 10-11; Ex. 11 Jose Zuniga Dep. 47:23; 50:2-7; Ex. 12 Mario Gonzalez Dep. 86:21-23; 87:4-8; Ex. 13 Luis Sifuentes Dep. 27:17-21; Ex. 15 Alberto Montalvo Jr. Dep. 82:19; Ex. 17 Hada Garcia Dep. 36:15; 41:6; Ex. 18 David Omar Carreon, Jr. Dep. 66:6-8; Ex. 21 Consuelo Perez Dep. 44:6-8; 46:17-18.

The foregoing description of symptoms by the farmworkers are consistent with the warnings from the product labels, including warning of serious eye and skin irritation and

possibility of respiratory irritation, drowsiness, and dizziness in addition to harm when inhaled. Ex. 1 at 2, 27, 62.

Several farmworkers went to the hospital, including two by ambulance who were struggling to breathe and unable to talk. Ex. 6 Maria Zuniga Dep. 39:20; Ex. 7 Ramon Hernandez Jr. Dep. 15:17-18; Ex. 8 Jesus Zuniga Jr. Dep. 52:13-14; Ex. 9 Jesus Zuniga Sr. Dep. 38:12; Ex. 11 Jose Zuniga Dep. 75:12-14; Ex. 13 Luis Sifuentes Dep. 27:17-18; Ex. 14 Miguel Cavazos Sifuentes Dep. 74:20-75:4; Ex. 15 Alberto Montalvo Jr. Dep. 82:19-20; Ex. 16 Alberto Montalvo Sr. Dep. 118:16; Ex. 17 Hada Garcia Dep. 40:22-41:1; Ex. 18 David Omar Carreon Jr. Dep. 72:4-9; Ex. 19 Adrian Perez Dep. 66:18-19; Ex. 20 Anahi Perez Dep. 81:7-16; 83:6; Ex. 21 Consuelo Perez Dep. 55:23.

Flying over the field more than once after having observed workers in the field was entirely unreasonable and interfered with enjoyment of life. In addition to the actual injuries incurred during the flight of the crop-dusting plane, workers were running and screaming to get out of the field based on the plane overhead. Ex. 16 Alberto Montalvo Sr. Dep. 227:9-11; Ex. 14 Miguel Cavazos Sifuentes Dep. 67:16-19. One person described being scared her brother was going to die. Ex. 20 Anahi Perez Dep. 90:19-91:10. The pathway of the plane disrupted every farmworker's day on August 5, 2019.

The harm experienced by the farmworkers goes well beyond "tend to cause" and demonstrates that the aerial application including the flight path over the farmworkers and application in the neighboring field actually caused injuries to human health and interfered with the enjoyment of life. The firsthand accounts go above and beyond what Section 9(a) of the Act, 415, ILCS 5/9(a) (2024) requires Complainant to prove and supports a finding of violation under either prong of air pollution.

III. Section 33(c) supports a finding of violation of 9(a) based on the unreasonableness of flying over the farmworkers and conducting the application in close proximity to the farmworkers.

Section 33(c) of the Act, 415 ILCS 5/33(c) (2024), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

415 ILCS 5/33(c)(2024).

The violations caused harm to human health. The labels prohibit applying the products in a manner that will contact other persons directly or through drift, warning of serious eye and skin irritation and possibility of respiratory irritation, drowsiness, and dizziness in addition to harm when inhaled. At least 12 farmworkers succinctly described feeling unwell shortly after the plane flew overhead or later that evening and described symptoms including eye irritation, dizziness, nausea, and breathing difficulty. Several farmworkers went to the hospital on August 5 or 6, and at least two by ambulance. The violations also disrupted the normal course of the workday of the farmworkers, with workers running out of the field.

There is social and economic benefit to the work done by Respondents, so long as it is conducted in compliance with the Act. However, the work done by Respondents was not suitable for the area where it was conducted, due to the presence of farmworkers in proximity to the aerial application and the path of the plane over the field they were working in. Conducting the work in compliance with the Act was both technically practicable and economically reasonable, as another flight pattern, a change in the application date, or a change in the application time, could have prevented the plane from flying over the field with farmworkers entirely. The incident occurred on one day, therefore subsequent compliance as to the flight over the farmworkers is not at issue in this matter.

IV. Section 42(h) of the Act require a substantial civil penalty to account for the gravity of the violations.

Complainant respectfully requests a civil penalty of \$100,000.00 and an order requiring Respondents to cease and desist from any further violations of the Act.

Section 42(h) of the Act, 415 ILCS 5/42(h) (2024), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing

voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;

5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection (i) of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a “supplemental environmental project,” which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

415 ILCS 5/42(h) (2024).

The incident occurred on one day, August 5, 2019, but the impact of the harm felt by the farmworkers continued beyond the one day and the gravity of the violation was severe. There was also an absence of due diligence to comply with the Act. The proposed civil penalty takes into account any economic benefit realized by the Respondents as a result of avoided compliance as the proposed civil penalty reflects the statutory maximum. Complainant has determined, based upon the specific facts of this matter, that a joint and several penalty of One Hundred Thousand Dollars (\$100,000.00) will serve to deter future violations and aid in future voluntary compliance with the Act. Respondent Curless Flying Service has a previously adjudicated violation of the Act in *People v. Curless Flying Service, Inc*, Fulton County Case No. 11-CH-88 for violations of Sections 9(c), 21(a), 21(p), 21(p)(3), 21(p)(6), 12(a), 12(d), 12(f), and 21(a) of the Act, 415 ILCS 5/9(c), 21(a), 21(p), 21(p)(3), 21(p)(6), 12(a), 12(d), 12(f), and 21(a) plus associated regulations

related to alleged open dumping and open burning of agrichemicals in which Curless Flying Service, Inc. paid a civil penalty of \$70,000 and stream recovery monitoring costs of \$20,000.

In light of the factors discussed above, including the severe public health impact posed by the violation, Plaintiff's requested penalty of \$100,000.00, payable jointly and severally, is reasonably calculated to deter future violations by Respondents and other similarly situated parties.

WHEREFORE, Complainant, People of the State of Illinois, respectfully requests that the Board enter an order in favor of Complainant and against Respondents Curless Flying Service, Inc. and Farm Air, Inc.:

- A) Granting Complainant's motion for summary judgment;
- B) Finding that the Respondents, CURLESS FLYING SERVICE, INC., an Illinois corporation and FARM AIR, INC., an Illinois corporation, violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2024);
- C) Ordering the Respondents to cease and desist from any further violations of the Act;
- D) Ordering the Respondents to pay a civil penalty of \$100,000, jointly and severally, payable to the EPTF for the violations of the Act; and,

[REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

E) Granting such other relief as the Board deems appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney General of
the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: /s/ Christina L. Briggs
Christina L. Briggs (ARDC No. 6327367)
Assistant Attorney General
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Springfield, Illinois 62701
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CERTIFICATE OF SERVICE

Payton Calcara, under penalties as provided by law pursuant to §1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), certifies that the statements set forth in this certificate of service are true and correct, and that she has served a copy of the foregoing Notice of Filing, Complainant's Motion for Summary Judgment, and Exhibits, containing 234 pages total by electronic mail before 5:00 PM on January 16, 2026 to:

Dylan P. Grady
205 S. Fifth Street, Suite 1000
P.O. Box 2459
Springfield, IL 62705-2459
dgrady@bhslaw.com

Carol Webb
Hearing Officer
Illinois Pollution Control Board
2520 W. Iles Ave.
Springfield, IL 62704
Carol.Webb@illinois.gov

s/ Payton Calcara
Payton Calcara
Administrative Clerk

Christina L. Briggs (ARDC No. 6327367)
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500 South Second Street
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RESTRICTED USE PESTICIDE

Due to Toxicity to Fish and Aquatic Organisms
For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification.

GROUP 3A INSECTICIDE



SULTRUS®

FOR CONTROL OF CERTAIN INSECT PESTS ON FIELD, VEGETABLE, TREE AND VINE CROPS

ACTIVE INGREDIENT:

Beta-cyfluthrin

Cyano(4-fluoro-3-phenoxyphenyl)methyl-3-(2,2-dichloroethenyl)-2,2-dimethyl-cyclopropanecarboxylate 12.86%

OTHER INGREDIENTS: 87.14%

TOTAL: 100.00%

Contains 1 lb Beta-cyfluthrin per gallon.

KEEP OUT OF REACH OF CHILDREN
CAUTION / PRECAUCION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

FIRST AID

IF IN EYES:

- Hold eye open and rinse slowly and gently with water for 15 to 20 minutes.
- Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.
- Call a poison control center or doctor for treatment advice.

IF SWALLOWED:

- Call a poison control center or doctor immediately for treatment advice.
- Have person sip a glass of water if able to swallow.
- Do not induce vomiting unless told to do so by a poison control center or doctor.
- Do not give anything by mouth to an unconscious person.

IF INHALED:

- Move person to fresh air.
- If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.
- Call a poison control center or doctor for further treatment advice.

Note To Physician: ANTIDOTE – No specific antidote is available. Treat symptomatically.

For MEDICAL And TRANSPORTATION Emergencies ONLY Call 24 Hours A Day 1-800-424-9300.

Have a product container or label with you when calling a poison control center or doctor, or going for treatment.

EPA Reg. No. 5905-599
EPA Est. No.: 5905-GA-001

NET CONTENTS: _____
AD 062117HAE

MANUFACTURED FOR
HELENA AGRI-ENTERPRISES, LLC
225 SCHILLING BOULEVARD, SUITE 300
COLLIERVILLE, TENNESSEE 38017

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PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wear goggles or protective glasses. Harmful if swallowed. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Harmful if inhaled. Avoid breathing spray mist. Remove and wash contaminated clothing before reuse. Prolonged or frequently repeated skin contact may cause allergic skin reactions in some individuals.

Personal Protective Equipment (PPE):

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Barrier laminate or Viton gloves
- Shoes plus socks
- Protective eyewear

Discard clothing and other **absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water.** Keep and wash PPE separately from other laundry.

Engineering controls statements: When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

User should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to fish and aquatic invertebrates. For terrestrial uses, do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not apply when weather conditions favor drift from treated areas. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwater or rinsate. Apply this product only as specified on this label.

This pesticide is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds while bees are foraging the treatment area. Additional information may be obtained by consulting your Cooperative Extension Service.

OBSERVE THE FOLLOWING PRECAUTIONS WHEN SPRAYING IN THE VICINITY OF AQUATIC AREAS SUCH AS LAKES; RESERVOIRS; RIVERS; PERMANENT STREAMS, MARSHES OR NATURAL PONDS; ESTUARIES AND COMMERCIAL FISH FARM PONDS.

Buffer Zone Requirements:

Vegetative Buffer Strip:

Construct and maintain a minimum 10-foot-wide vegetative filter strip of grass or other permanent vegetation between the field edge and down gradient aquatic habitat (such as, but not limited to, lakes; reservoirs; rivers; permanent streams; marshes or natural ponds; estuaries; and commercial fish farm ponds).

Only apply products containing Beta Cyfluthrin onto fields where a maintained vegetative buffer strip of at least 10 feet exists between the field and down gradient aquatic habitat. For guidance, refer to the following publication for information on constructing and maintaining effective buffers: Conservation Buffers to Reduce Pesticide Losses. Natural Resources Conservation Services. USDA, NRCS. 2000. Fort Worth, Texas. 2 1 pp. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_023819.pdf

Buffer Zone for Ground Application (groundboom, overhead chemigation, or airblast)

Do not apply within 25 feet of aquatic habitats (such as, but not limited to, lakes reservoirs, rivers, permanent streams; marshes or natural ponds, estuaries, and commercial fishponds).

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Buffer Zone for ULV Aerial Application

Do not apply within 450 feet of aquatic habitats (such as, but not limited to, lakes, reservoirs, rivers, permanent streams; marshes or natural ponds, estuaries, and commercial fishponds).

Buffer Zone for Non-ULV Aerial Application

Do not apply within 150 feet of aquatic habitats (such as, but not limited to, lakes, reservoirs, rivers, permanent streams; marshes or natural ponds, estuaries, and commercial fishponds).

Spray Drift Requirements

Wind Direction and Speed:

Only apply this product if the wind direction favors on-target deposition. Do not apply when the wind velocity exceeds 15 mph.

Temperature Inversion:

Do not make aerial or ground applications into temperature inversions. Inversions are characterized by stable air and increasing temperatures with height above the ground. Mist or fog may indicate the presence of an inversion in humid areas. The applicator may detect the presence of an inversion by producing smoke and observing a smoke layer near the ground surface.

Droplet Size:

Use only Medium or coarser spray nozzles (for ground and non-ULV aerial application) according to ASAE (S572) definition for standard nozzles. In conditions of low humidity and high temperatures, applicators should use a coarser droplet size.

Additional Requirements for Ground Applications

Wind speed must be measured adjacent to the application site on the upwind side, immediately prior to application.

For ground boom applications, apply using a nozzle height of no more than 4 feet above the ground or crop canopy.

For airblast applications, turn off outward pointing nozzles at row ends and when spraying the outer two rows. To minimize spray loss over the top in orchard applications, spray must be directed into the canopy.

Additional Requirements for Aerial Applications

The spray boom should be mounted on the aircraft as to minimize drift caused by wingtip or rotor vortices. The minimum practical boom length should be used and must not exceed 75% of the wingspan or 80% rotor diameter.

Flight speed and nozzle orientation must be considered in determining droplet size.

Spray must be released at the lowest height consistent with pest control and flight safety. Do not release spray at a height greater than 10 feet above the crop canopy unless a greater height is required for aircraft safety.

When applications are made with a crosswind, the swath will be displaced downwind. The applicator must compensate for this displacement at the downwind edge of the application area by adjusting the path of the aircraft upwind.

RUNOFF MANAGEMENT

Do not cultivate within 10 feet of the aquatic areas to allow growth of a vegetative filter strip. When used on erodible soils, best management practices for minimizing runoff should be employed. Consult your local Soil Conservation Service for recommendations in your use area. Do not apply if soil is saturated with water. Do not apply under conditions that favor drift from runoff. Do not apply in the rain.

INSECT RESISTANCE STATEMENT

Some insects are known to develop resistance to products used repeatedly for control. Because the development of resistance cannot be predicted, the use of this product should conform to resistance management strategies established for the use area. Consult your local or State agricultural authorities for details. If resistance to this product develops in your area, this product alone may not continue to provide adequate control of resistant pests. If poor performance cannot be attributed to improper application, extreme weather conditions, etc., a resistant strain of insect may be present. If you experience difficulty with control and resistance is a reasonable cause, immediately consult your local company representative or agricultural advisor/state Extension agent for the best alternative method of control in your area. Consult your state Cooperative Extension Service agent or agricultural advisor for insect resistance management strategies and recommended insect control methods in your area.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame. Do not mix or allow coming in contact with oxidizing agents. Hazardous chemical reaction may occur.

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DIRECTIONS FOR USE Restricted Use Pesticide

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted-entry interval (REI). The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the REI of 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Barrier laminate or Viton gloves
- Shoes plus socks
- Protective eyewear

SULTRUS® may be used for control of a broad spectrum of insect pests by contact action. Because of this contact activity, good spray coverage of the crop is needed for the highest level of control.

PRODUCT INFORMATION AND INSTRUCTIONS

Unless specified otherwise in the crop-specific application section, SULTRUS® may be applied by the following methods:

Foliar Spray Application

Foliar applications may be made using properly calibrated ground sprayers, fixed- or rotary-winged aircraft or through properly designed, sprinkler-type, chemigation equipment (See Chemigation Application directions below). Thorough and uniform coverage of plants, with direct contact of the spray mixture to the target pests, is required for satisfactory control.

Avoid application procedures where thorough coverage of plant is not possible. Applications made with less than thorough coverage may result in slower activity and/or less overall control from a single application than an application made with higher gallonage. Refer to Spray Drift Reduction Management section for application guidelines on minimizing drift from all application methods.

Ground applications should be made in a minimum of 10 gallons/A unless specified otherwise in crop-specific application section.

Aerial applications should be made in a minimum of 2 gallons/A unless specified otherwise in crop-specific application section, however 5 gallons/A are recommended. See crop specific gallonage requirements. Aerial applications made to dense canopies may not provide sufficient coverage of lower leaves or interior plant portions to provide pest control. Higher labeled rates of SULTRUS® may be necessary for aerial applications.

Chemigation applications (See Chemigation Application directions below) should be made as concentrated as possible. For best results apply at 100% input/travel speed, for center pivots or 0.1 inch (2,716 gallons) up to 0.15 inch (4,073 gallons) of water/A, for other systems. Higher labeled rates of SULTRUS® may be necessary for chemigation applications.

Chemigation Application

Types of Irrigation Systems: SULTRUS® may be applied through sprinkler type irrigation systems only. These types include; center pivot, lateral move, or solid set irrigation systems. Do not apply SULTRUS® through any other type of irrigation system.

Injection for Chemigation: Inject the specified dosage of SULTRUS® into the irrigation main, water stream: (1) through a constant flow, metering device; (2) into the center of the main line flow via a pitot tube or equivalent; (3) at a point ahead of at least one, right-angle turn in main stream flow such that thorough mixing with the irrigation water is ensured.

Uniform Water Distribution and System Calibration: The irrigation system must provide uniform distribution of SULTRUS® treated water. Crop injury, lack of effectiveness, or illegal pesticide residues in or on the crop can result from non-uniform distribution.

The system must be calibrated to uniformly distribute the rates specified for chemigation application to specific crops. If you have questions about calibration, contact your Cooperative Extension Service agent, equipment manufacturers, or other experts.

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Chemigation Monitoring: A person knowledgeable of the chemigation system and responsible for its operation, or under the supervision of the responsible person, shall shut the system down and make necessary adjustments should the need arise.

Required Injection and Sprinkler System Safety Devices: The system must contain a functional check valve, vacuum relief valve, and low-pressure drain, appropriately located on the irrigation pipeline to prevent water source contamination from back-flow. The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection. The pesticide injection pipeline must also contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down. The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor/engine stops or in cases where there is no water pump, when water pressure decreases to the point where pesticide distribution is adversely affected. Injection systems must use a metering pump or equivalent, such as a positive displacement injection pump (e.g., diaphragm pump, venturi injection) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.

Using Water from Public Water Systems: Public water system means a system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Chemigation systems connected to public water systems must contain a functional, reduced-pressure zone, back flow preventer (RPZ) or the functional equivalent in the water supply line upstream from the point of pesticide introduction.

As an option to the RPZ, the water from the public water system should be discharged into a reservoir tank prior to pesticide introduction. There shall be a complete physical break (air gap) between the outlet end of the fill pipe and to top or overflow rim of the reservoir tank of at least twice the inside diameter of the fill pipe. The pesticide injection pipeline must contain a functional automatic quick-closing check valve to prevent the flow of fluid back toward the injection. The pesticide injection pipeline must contain a functional normally closed solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down. The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops or in cases where there is no water pump, when the water pressure decreases to the point where pesticide distribution is adversely affected. Systems must use a metering pump such as a positive displacement injection pump (e.g. diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.

Chemical Supply Tank Dilution and Agitation: For injection of SULTRUS®, use a chemical supply tank for pre-mixing SULTRUS® with either water or non-emulsifiable oil before injecting mixture into the irrigation line. Dilution ratio should be at least 4 parts of either water/ or non-emulsifiable oil to 1 part SULTRUS®. If necessary, constant mechanical or hydraulic agitation should be maintained in the chemical supply tank during the entire period of application. Determine the required amounts of SULTRUS® and either water or non-emulsifiable oil to mix in the tank. The amount of SULTRUS® needed equals the number of fluid oz of SULTRUS® to be applied per acre multiplied by the number of acres to be chemigated. The amount of emulsion needed equals the gallons of emulsion delivered per hour by the injection pump, multiplied by the number of hours chemigation will take place. The amount of either water or non-emulsifiable oil needed equals the amount of emulsion needed minus the amount of SULTRUS® needed.

Cleaning the Chemical Injection System: In order to apply pesticides accurately, the chemical injection system must be kept clean; free from chemical or fertilizer residues and sediments. Refer to your owner's manual or ask your equipment supplier for the cleaning procedure for your injection system.

Flushing the Irrigation System: At the end of the application period, allow time for all lines to flush the pesticide through all nozzles before turning off irrigation water. To ensure the lines are flushed and free of pesticides, a dye indicator may be injected into the lines to mark the end of the application period.

Center-Pivot and Automatic-Move Linear Systems: Inject the specified dosage per acre continuously for one complete revolution (center pivot) or move of the system. The system should be run at maximum speed. It is recommended that nozzles in the immediate area of control panels, chemical supply tanks, pumps, and system safety devices be plugged to prevent chemical contamination of these areas. The use of END GUNS is NOT recommended. End guns that provide uneven distribution of treated water can result in crop injury, lack of effectiveness, or illegal pesticide residues in or on the crop.

Solid Set and Manually Controlled Linear Systems: Injection should be during the last 30 to 60 minutes of a regular irrigation period or as a separate 30 to 60 minute application not associated with a regular irrigation.

CROP ROTATION STATEMENT

Treated areas may be replanted with any crop as soon as practical after last application.

Maximum usage when applying both cyfluthrin and beta-cyfluthrin products to the same crop within the same season:

Do not apply more than the maximum seasonal total for each product when used alone, and do not apply more than the combined maximum

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seasonal total for both products as outlined in the table below.

Crop	Maximum Seasonal Total for Either Product Used Alone (pounds active ingredient/acre)		Maximum Seasonal Total When Applying Both Products to the Same Crop (pounds active ingredient/acre)
	beta-cyfluthrin*	cyfluthrin**	beta-cyfluthrin* Plus cyfluthrin**
Alfalfa	0.175	0.35	0.35
Corn (field, pop, seed)	0.088	0.175	0.175
Cotton	0.15	0.3	0.3
Grasses	0.089	0.176	0.176
Peanut	0.066	0.131	0.131
Sorghum	0.066	0.131	0.131
Soybean	0.088	0.175	0.175
Sugarcane	0.132	0.263	0.263
Sunflower	0.066	0.131	0.131
Tobacco	0.0022	0.0044	0.0044
Barley, Buckwheat, Millet (Pearl And Proso), Oat, Rye, Triticale And Wheat	0.038	0.076	0.076
Brassica (Cole) Leafy Vegetables, CG 5	0.1	0.2	0.2
Cucurbits, CG 9	0.088	0.175	0.175
Fruiting vegetables, CG 8	0.132	0.263	0.263
Leafy vegetables, CG 4	0.1	0.2	0.2
Dried Shelled Legume Vegetables, CSG 6C	0.05	0.1	0.1
Pea, Southern	0.083	0.165	0.165
Potato, and other tuberous and corm vegetables, CSG 1C	0.132	0.263	0.263
Carrot and Radish	0.11	0.22	0.22
Sweet corn	0.22	0.44	0.44
Citrus, CG 10	0.05	0.1	0.1
Grape	0.1	0.2	0.2
Hop	0.125	0.25	0.25
Pome fruit, CG 11	0.022	0.044	0.044
Stone fruit, CG 12	0.044	0.088	0.088
Tree nut crops, CG 14	0.022	0.044	0.044

*SULTRUS®

**Any cyfluthrin product approved for crop use.

FIELD CROPS CROP USE DIRECTIONS

For all crops, apply specific dosage of SULTRUS® at early threshold for target pest, as population begins to develop. Degree of control or suppression of additional labeled pests will be determined, in part by the stage of pest development at application and infestation level of those pests.

Application timing should be based on careful scouting and local economic thresholds. SULTRUS® may be applied before, during, or after planting. Use the higher rates for moderate to heavy insect pressure. Lower rates are generally adequate for low to moderate insect pressure but require careful scouting and may require more frequent application.

SULTRUS® is an Emulsifiable Concentrate formulation and is active by contact and ingestion. Thorough coverage is necessary for optimum performance.

ALFALFA		
PESTS CONTROLLED	Rate Fluid oz/ Acre	Rate Lb A.I. / Acre
Alfalfa looper Army cutworm Cutworms Green cloverworm Meadow spittlebug Potato leafhopper	0.8-1.6	0.0065-0.0125
Alfalfa caterpillar Alfalfa plant bug Alfalfa webworm Alfalfa weevil Armyworm (1st and 2nd instar) Aster leafhopper Beet armyworm (1st and 2nd instar) Corn earworm Corn rootworms (adult) Cucumber beetles (adult) Egyptian alfalfa weevil Fall armyworm (1st and 2nd instar) Grape colaspis (adult) Japanese beetle (adult) June beetle (adult) Loopers Lygus bug Mexican bean beetle Stink bugs Tarnished plant bug Threecornered alfalfa hopper Velvetbean caterpillar Yellowstriped armyworm (1st and 2nd instar)	1.6-2.8	0.0125-0.022
Blotch leafminer Grasshoppers Western yellowstriped armyworm (1st and 2nd instar)	2.0-2.8	0.0155-0.022
PESTS SUPPRESSED		
Blue pea aphid Cowpea aphid Pea aphid Whitefly (adult)	2.8	0.022
<p>Foliar Application Restrictions</p> <p>Pre-Harvest Interval (PHI) / Pre-Grazing Interval: 7 days.</p> <p>Maximum SULTRUS® allowed per cutting: 5.6 fluid oz/A (0.044 lb AI/Acre).</p> <p>Maximum SULTRUS® allowed per crop season: 22.4 fluid oz/A 0.175 lb AI/Acre).</p> <p>Make applications as necessary but no closer than a 5-day interval.</p> <p>Due to potential injury to bees, do not apply to alfalfa grown for seed.</p>		
<p>Foliar Application Notes</p> <p>For applications to mixed-stands of ALFALFA with GRASSES intentionally grown for forage or hay, please see the section of this label entitled: GRASS – Pasture / Rangeland / Grass for Seed / Grass for Hay / Grass in mixed-stands with Alfalfa. Carefully observe the restrictions and use directions associated with both crops.</p>		

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CORN – Foliar Applications Field Corn, Popcorn, Seed Corn, Teosinte – (see Sweet Corn application information in Vegetable Crops Section)		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Black cutworm Flea beetles Granulate cutworm Sand hill cutworm	0.8-1.6	0.007-0.013
Amyworm (1st and 2nd instar) Bean leaf beetle Cereal leaf beetle Chinch bug Click beetle (adult) Corn earworm Corn rootworms (adult) European corn borer* Grape colaspis (adult) Japanese beetle(adult) June beetle (adult) Leafhoppers Masked chafer (adult) Southern armyworm (1st and 2nd instar) Southern corn leaf beetle Southwestern corn borer* Stalk borer* Stink bugs Webworm Western bean cutworm Yellowstriped armyworm (1st and 2nd instar)	1.6-2.8	0.013-0.022
Grasshoppers	2.1-2.8	0.017-0.022
Fall armyworm (1st and 2nd instar)	2.8	0.022
Foliar Application Restrictions Pre-Harvest Interval (PHI): Grain or fodder – 21 days; Green forage – 0 day. Maximum SULTRUS® allowed per 7-day interval: 2.8 fluid oz/A (0.022 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 11.2 fluid oz/A (0.088 lb AI/Acre). Maximum number of applications per season: 4. Three applications may be applied up to early dent stage. One application may be made between early dent and 21 days before harvest. Minimum ULV application volume (once refined cotton seed/vegetable oil): 1.0 qt/A – aerial application. *Application must be made prior to the larva boring into the plant.		

CORN – Soil Applications Field Corn, Popcorn, Seed Corn, Teosinte – (see sweet Corn application information in Vegetable Crop Section)		
PESTS CONTROLLED	Rate fluid oz/1000 row-ft	Rate** fluid oz/Acre
Seedcorn maggot Wireworm	0.12-0.16	2.0-2.8
PEST SUPPRESSED		
White grub	0.14-0.16	2.5-2.8
Soil Application Restrictions Pre-Harvest Interval (PHI): Grain or fodder – 21 days; Green forage – 0 day. Maximum SULTRUS® allowed at planting: 2.8 fluid oz/A (0.022 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 11.2 fluid oz/A (0.088 lb AI/Acre).		
Soil Application Notes APPLICATION INSTRUCTIONS: SULTRUS® may be applied in water or in liquid, pop-up fertilizer at planting. Apply in a minimum of 2 GPA of total		

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mix volume when applied in water. Good agitation must be maintained at all times during application.

INSTRUCTIONS FOR LIQUID POP-UP FERTILIZER APPLICATION: Perform a compatibility test prior to mixing the entire tank to ensure that SULTRUS® will remain in solution while applying. Take a known amount of the fertilizer to be used as a carrier and place in a glass jar. Add the appropriate amount of SULTRUS® based on the labeled use rate. Add other components to be tank mixed. Gently agitate the solution. Examine the solution for signs of incompatibility such as flocculation, precipitation, separation, etc.

If incompatibility occurs, contact your local Helena Agri-Enterprises, LLC representative for additional information. Fertilizers containing zinc have been shown to be incompatible with SULTRUS®.

PLACEMENT: Total mix volume should be applied in the open furrow ahead of the closing wheels for optimum coverage.

**ROW WIDTH: The above rate calculations are based on standard 30 in. row spacing. For row spacing less than 30 inches, adjust rate not to exceed 2.8 fluid oz/A (0.022 lb AI/Acre). Diminished control may occur when rate is decreased below specified rate per 1000 row-ft.

COTTON		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Cotton leafperforator Cotton leafworm Cutworms Thrips	0.8-1.6	0.007-0.013
Boll weevil Cabbage looper Cotton aphid Cotton bollworm* Cotton fleahopper Cucumber beetle European corn borer Flea beetles Garden webworm Lygus bug* Pink bollworm Saltmarsh caterpillar Southern garden leafhopper Stink bugs Tarnished plant bug* Threecornered alfalfa hopper Tobacco budworm* Ovicidal Control: Cotton bollworm and tobacco budworm	1.6-2.6	0.013-0.021
Grasshopper	2.0-2.8	0.016-0.022
Beet armyworm (1st and 2nd instar) Cotton leafminer Fall armyworm (1st and 2nd instar) Soybean looper Yellowstriped armyworm (1st and 2nd instar)	3.2	0.025
PEST SUPPRESSED		
Whitefly (adult)	3.2	0.025
Foliar Application Restrictions Pre-Harvest Interval (PHI): 0 day. Maximum SULTRUS® allowed per 5-day interval: 3.2 fluid oz/A (0.025 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 19.2 fluid oz/A (0.15 lb AI/Acre). Minimum ULV application volume (once refined cotton seed/vegetable oil): 1.0 qt/A – aerial application. Do not graze treated fields. Do not make more than a total of 6 synthetic pyrethroid applications (of one product or combination of products) to a cotton crop in one growing season. *See INSECT RESISTANCE statement elsewhere on this label.		

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GRASS Pasture / Rangeland / Grass for Seed / Grass for Hay / Grass in mixed-stands with Alfalfa		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Armyworms Army cutworm Cereal leaf beetle Cutworms Green cloverworm Meadow spittlebug Potato leafhopper	1.6-1.9	0.013-0.015
Aster leafhopper Beet armyworm (1st and 2nd instar) Corn earworm Chinch bug Crickets Fall armyworm (1st and 2nd instar) Grass thrips Grasshoppers Japanese beetle (adult) June beetle (adult) Loopers Lygus bug Southern armyworm (1st and 2nd instar) Stink bugs Tarnished plant bug Velvetbean caterpillar Webworms Western Yellowstriped armyworm (1st and 2nd instar) Yellowstriped armyworm (1st and 2nd instar)	2.6-2.8	0.02-0.022
<p>Foliar Application Restrictions: Grass for Pasture, Rangeland and Grass for Seed Pre-Grazing Interval: 0 day (minimum time between last application and beginning of foraging or seed harvest). Maximum SULTRUS® allowed per 5-day interval: 2.8 fluid oz/A (0.022 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 11.3 fluid oz/A (0.089 lb AI/Acre).</p> <p>Foliar Application Restrictions: Grass for Hay Pre-Harvest Interval (PHI): 0 day (minimum time between last application and baling for harvest). Maximum SULTRUS® allowed per 5-day interval: 2.8 fluid oz/A (0.022 lb AI/Acre). Maximum SULTRUS® allowed per cutting: 11.3 fluid oz/A (0.089 lb AI/Acre).</p> <p>Foliar Application Restrictions: Grass in mixed-stands with Alfalfa See additional PESTS CONTROLLED from ALFALFA section of Label. Pre-Harvest Interval (PHI) / Pre-Grazing Interval: 7 days (minimum time between last application and beginning of foraging or baling). Maximum SULTRUS® allowed per cutting: 2.8 fluid oz/A (0.022 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 11.3 fluid oz/A (0.089 lb AI/Acre).</p>		

PEANUT		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Cutworms Green cloverworm Potato leafhopper Rednecked peanutworm Velvetbean caterpillar	1.0-1.8	0.008-0.014
Armyworm	1.8-2.4	0.014-0.019

(1st and 2nd instar) Bean leaf beetle Corn earworm Corn rootworms (adult) Grape colaspis (adult) Grasshoppers Japanese beetle (adult) June beetle (adult) Stink bugs Threecornered alfalfa hopper Vegetable weevil		
Beet armyworm (1st and 2nd instar) Fall armyworm (1st and 2nd instar) Southern armyworm (1st and 2nd instar) Whitefringed beetle (adult)	2.4-2.8	0.019-0.022
PESTS SUPPRESSED		
Soybean looper Thrips Whitefly (adult)	2.8	0.022
Foliar Application Restrictions Pre-Harvest Interval (PHI): 14 days (minimum time between final application and threshing for seed). Maximum SULTRUS® allowed per 10-day interval: 2.8 fluid oz/A (0.022 lb A/Acre). Maximum SULTRUS® allowed per crop season: 8.4 fluid oz/A (0.066 lb A/Acre). Minimum ULV application volume (once refined cotton seed/vegetable oil): 1.0 qt/A – aerial application.		

SORGHUM		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb A/Acre
Cutworms Sorghum midge	1.0-1.3	0.008-0.01
Armyworm (1st and 2nd instar) Beet armyworm (1st and 2nd instar) Black wooly bear European corn borer* Fall armyworm (1st and 2nd instar) False chinch bug Flea beetle Sorghum headworm (corn earworm) Sorghum webworm Southern armyworm (1st and 2nd instar) Southwestern corn borer* Stalk borer* Stink bugs True armyworm (1st and 2nd instar) Webworms Yellowstriped armyworm (1st and 2nd instar)	1.3-2.8	0.010-0.022
Chinch bug Grasshoppers Sugarcane rootstock weevil	2.0-2.8	0.019-0.022

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Foliar Application Restrictions
 Pre-Harvest Interval (PHI): 14 days.
 If more than 5.6 fluid oz/Acre is applied, allow at least 14 days between last application and grazing.
 Maximum SULTRUS® allowed per 10-day interval: 2.8 fluid oz/A (0.022 lb AI/Acre).
 Maximum SULTRUS® allowed per crop season: 8.4 fluid oz/A (0.066 lb AI/Acre).
 Minimum ULV application volume (once refined cotton seed/vegetable oil): 1.0 qt/A – aerial application.
 *Application must be made prior to the larva boring into the plant.

SOYBEAN

PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Bean leaf beetle (growth stage VC-V2) Cutworms Potato leafhopper Thrips Green cloverworm	0.8-1.6	0.007-0.013
Amyworm (1st and 2nd instar) Bean leaf beetle Bean leaf webber Beet armyworm (1st and 2nd instar) Blister beetle Cabbage looper Click beetle (adult) Corn earworm Corn rootworms (adult) Cucumber beetle European corn borer Fall armyworm (1st and 2nd instar) Grape colaspis (adult) Japanese beetle (adult) June beetle (adult) Lygus bug Masked chafer (adult) Mexican bean beetle Saltmarsh caterpillar Silverspotted skipper Southern armyworm (1st and 2nd instar) Stink bugs Tarnished plant bug* Threecornered alfalfa hopper Tobacco budworm* Velvetbean caterpillar Webworm Woollybear caterpillar Yellowstriped armyworm (1st and 2nd instar)	1.6-2.8	0.013-0.022
Grasshoppers Soybean aphid	2.0-2.8	0.016-0.022
PESTS SUPPRESSED		
Lesser cornstalk borer Soybean looper*	2.8	0.022

Foliar Application Restrictions
 Pre-Harvest Interval (PHI) for seed: 21 days; dry vines (hay) and green forage may be fed 15 days after last application.

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Maximum SULTRUS® allowed per 7-day interval: 2.8 fluid oz/A (0.022 lb AI/Acre).
 Maximum SULTRUS® allowed per crop season: 11.2 fluid oz/A (0.088 lb AI/Acre).
 Minimum ULV application volume (once refined cotton seed/vegetable oil): 1.0 qt/A – aerial application.
 *See INSECT RESISTANCE statement elsewhere on this label.

SUGARCANE

PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Sugarcane borer*	2.1	0.017
Rice stalk borer*	2.8	0.022

Foliar Application Restrictions
 Pre-Harvest Interval (PHI): 15 days.
 Maximum SULTRUS® allowed per 7-day interval: 2.8 fluid oz/A (0.022 lb AI/Acre).
 Maximum SULTRUS® allowed per crop season: 16.8 fluid oz/A (0.132 lb AI/Acre).
 For ground application, apply in a minimum of 10 GPA.
 Minimum ULV application volume (once refined cotton seed/vegetable oil): 1.0 qt/A – aerial application.
 Do not apply if soil is saturated with water.
 Do not apply under conditions that favor runoff.
 Do not apply in the rain.
 *Application must be made prior to the larva boring into the plant.

SUNFLOWER

PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Cutworms	0.8-1.6	0.007-0.013
Sunflower beetle		
Sunflower stem weevil (adult)	1.6-2.4	0.013-0.019
Banded sunflower moth	2.0-2.8	0.016-0.022
Grasshoppers		
Stink bugs		
Sunflower bud moth		
Sunflower headclipping weevil		
Sunflower midge		
Sunflower moth		
Sunflower seed weevil	2.8	0.022
Palestriped flea beetle		

Foliar Application Restrictions
 Pre-Harvest Interval (PHI) and Pre-grazing or Foraging Interval: 30 days.
 Maximum SULTRUS® allowed per 7-day interval: 2.8 fluid oz/A (0.022 lb AI/Acre).
 Maximum SULTRUS® allowed per crop season: 8.4 fluid oz/A (0.066 lb AI/Acre).
 DO NOT apply by ULV application.
 Use not permitted in California.

TOBACCO

PESTS CONTROLLED	Rate fluid oz/Acre	Rate lbs AI/Acre
Cutworms	0.28	0.0022

Foliar Application Restrictions
 Apply up to 7 days following transplanting as an individual plant treatment.
 Maximum SULTRUS® allowed per crop season: 0.28 fluid oz/A (0.0022 lb AI/Acre).
 Maximum number of applications: 1.
 Minimum application volume (water): 15 GPA – ground
 Use not permitted in CA.

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CEREAL GRAIN (EXCEPT RICE) Includes all members of Crop Group 15 (except rice): Wheat, Corn, Millet (pearl and proso), Barley, Buckwheat, Oats, Popcorn, Rye, Sorghum, Teosinte, and Triticale
FORAGE, FODDER AND STRAW OF CEREAL GRAIN Includes all members of Crop Group 16, Forage, Fodder, and Straw of all commodities included in group cereal grains (except rice).
See use instructions for each crop.

BARLEY, BUCKWHEAT, MILLET (PEARL and PROSO), OAT, RYE, TRITICALE and WHEAT		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Army cutworm Cereal leaf beetle Cutworms	1.0-1.8	0.008-0.014
Armyworm (1st and 2nd instar) Bird cherry-oat aphid* English grain aphid* Fall armyworm (1st and 2nd instar) Flea beetles Grasshoppers Grass sawfly Pale western cutworm Russian wheat aphid* Southern armyworm (1st and 2nd instar) Stink bugs Yellowstriped armyworm (1st and 2nd instar)	1.8-2.4	0.014-0.019
Chinch bug	2.4	0.019
Foliar Application Restrictions Pre-Grazing or Foraging Interval: 3 days. Pre-Harvest Interval (PHI): 30 days. Maximum SULTRUS® allowed per 3-day interval: 2.4 fluid oz/A (0.019 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 4.8 fluid oz/A (0.038 lb AI/Acre). *For best control, applications must be made prior to insects damaging the plants. Use the higher rate range and increased water volume for applications occurring after plant damage has taken place or following booting in order to receive better coverage. Once damage occurs or plant growth stage reaches booting, control may be limited to suppression only.		

VEGETABLE CROPS CROP USE DIRECTIONS

For all crops, apply specific dosage of SULTRUS® at early threshold for target pest, as population begins to develop. Degree of control or suppression of additional labeled pests will be determined, in part by the stage of pest development at application and infestation level of those pests.

Application timing should be based on careful scouting and local economic thresholds. SULTRUS® may be applied before, during, or after planting. Use the higher rates for moderate to heavy insect pressure. Lower rates are generally adequate for low to moderate insect pressure but require careful scouting and may require more frequent application.

SULTRUS® is an Emulsifiable Concentrate formulation and is active by contact and ingestion. Thorough coverage is necessary for optimum performance.

BRASSICA (COLE) LEAFY VEGETABLES Includes all members of Crop Group 5: Broccoli, Broccoli raab (rapini), Chinese (gai lon) broccoli, Brussels sprouts, Cabbage, Chinese (bok choy) cabbage, Chinese (napa) cabbage, Chinese mustard (gai choy) cabbage, Cauliflower, Cavalo broccolo, Collards, Kale, Kohlrabi, Mizuna, Mustard greens, Mustard spinach, Rape greens, and Turnip greens.		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Cutworms Potato leafhopper	0.8-1.6	0.007-0.013

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Thrips		
Alfalfa looper Cabbage looper Cabbage webworm Imported cabbageworm Southern cabbageworm	1.6-2.4	0.013-0.019
Armyworm (1st and 2nd instar) Beet armyworm (1st and 2nd instar) Cabbage flea beetle Corn earworm Diamondback moth (larvae)* Fall armyworm (1st and 2nd instar) Grasshoppers Japanese beetle (adult) Lygus bug Meadow spittlebug Southern armyworm (1st and 2nd instar) Stink bugs Tarnished plant bug* Vegetable weevil (adult) Yellowstriped armyworm (1st and 2nd instar)	2.4-3.2	0.019-0.025
PEST SUPPRESSED		
Whitefly (adult)	3.2	0.025
<p>Foliar Application Restrictions Pre-Harvest Interval (PHI): 0 day. Maximum SULTRUS® allowed per 7-day interval: 3.2 fluid oz/A (0.025 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 12.8 fluid oz/A (0.1 lb AI/Acre). For aerial applications, apply in a minimum of 5 GPA. Due to potential injury to bees, do not apply to crops grown for seed. *See INSECT RESISTANCE statement elsewhere on this label.</p>		

<p>CUCURBITS (except crops grown for seed) Includes all members of Crop Group 9: Balsam apple, Balsam pear, Bitter melon, Chayote, Chinese cucumber, Chinese waxgourd (Chinese preserving melon), Citron melon, Cucumber, Gherkin, Edible gourd (includes: hyotan, cucuzza, henchmia and Chinese okra), Muskmelon (includes: cantaloupe, true cantaloupe, casaba, crenshaw melon, golden pershaw melon, honeydew melon, honey balls, mango melon, Persian melon, pineapple melon, Santa Claus melon, and snake melon), Pumpkin, Summer squash (includes: crookneck squash, scallop squash, straightneck squash, vegetable marrow, and zucchini) Watermelon, Winter squash (includes: butternut squash, calabaza, hubbard squash, acorn squash and spaghetti squash)</p>		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Cutworms Potato leafhopper	0.8-1.6	0.007-0.013
Armyworm (1st and 2nd instar) Cabbage looper Corn earworm Grasshoppers Melonworm Pickleworm Rindworm Stink bugs	1.6-2.4	0.013-0.019
Cucumber beetles Lygus bug	2.4-2.8	0.019-0.022

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Tarnished plant bug *		
Tobacco budworm		
PEST SUPPRESSED		
Whitefly (adult)	2.8	0.022
<p>Foliar Application Restrictions Pre-Harvest Interval (PHI): 0 day. Maximum SULTRUS® allowed per 7-day interval: 2.8 fluid oz/A (0.022 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 11.2 fluid oz/A (0.088 lb AI/Acre). *See INSECT RESISTANCE statement elsewhere on this label.</p>		

<p>FRUITING VEGETABLES Includes all members of Crop Group 8: Eggplant, Groundcherry, Pepino, Pepper (includes: bell pepper, chili pepper, cooking pepper, pimento, sweet pepper), Tomatillo, and Tomato</p>		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Celery leaf-tier Colorado potato beetle * European corn borer Garden webworm Potato aphid Potato leafhopper Stink bugs Tomato fruitworm (corn earworm) Tomato hornworm	1.6-2.8	0.013-0.022
Beet armyworm (1st and 2nd instar) Cabbage looper Southern armyworm (1st and 2nd instar) Tarnished plant bug * Thrips (except <i>Thrips palmi</i>) Tomato pinworm Variegated cutworm Western yellowstriped armyworm (1st and 2nd instar)	2.1-2.8	0.017-0.022
Flea beetles Garden symphylan	2.8	0.022
PESTS SUPPRESSED		
Leafminers (Adult) Pepper weevil Whitefly (adult)	2.8	0.022
<p>Foliar Application Restrictions Pre-Harvest Interval (PHI) for tomato: 0 day. PHI for all other fruiting vegetables included in this section: 7 days. Maximum SULTRUS® allowed per 7-day interval: 2.8 fluid oz/A (0.022 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 16.8 fluid oz/A (0.132 lb AI/Acre). For reduction of damage caused by garden symphylan, apply specified dosage to the top of the planting beds prior to transplanting. Spray should cover the entire top of the beds. Thoroughly incorporate to a depth of approximately 4 to 6 inches. A maximum of 1 pretransplant application is allowed per crop season. *See INSECT RESISTANCE statement elsewhere on this label.</p>		

<p>LEAFY VEGETABLES Includes all members of Crop Group 4: Amaranth (Chinese spinach), Arugula (rouquette), Cardoon, Celery, Chinese celery, Celtuce, Chervil, Chrysanthemum (edible leaved and garland), Corn salad, Cress (garden and upland), Dandelion, Dock (sorrel), Endive (escarole), Florence fennel, Lettuce (head and leaf), New Zealand spinach, Orach, Parsley, Purslane (garden and winter), Radicchio (red chicory), Rhubarb, Spinach, Swiss chard, Vine spinach</p>		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre

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Cutworms Potato leafhopper Thrips	0.8-1.6	0.007-0.013
Alfalfa looper Cabbage looper Green cloverworm Imported cabbageworm Saltmarsh caterpillar	1.6-2.4	0.013-0.019
Beet armyworm (1st and 2nd instar) Corn earworm Diamondback moth (larvae)* European corn borer Fall armyworm (1st and 2nd instar) Flea beetles Grasshoppers Japanese beetle (adult) Leafhoppers Lygus bug Meadow spittlebug Southern armyworm (1st and 2nd instar) Stink bugs Tarnished plant bug* Vegetable weevil (adult) Yellowstriped armyworm (1st and 2nd instar)	2.4-3.2	0.019-0.025
PEST SUPPRESSED		
Whitefly (adult)	3.2	0.025
<p>Foliar Application Restrictions Pre-Harvest Interval (PHI): 0 day. Maximum SULTRUS® allowed per 7-day interval: 3.2 fluid oz/A (0.025 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 12.8 fluid oz/A (0.1 lb AI/Acre). For aerial applications, apply in a minimum of 5 GPA. Due to potential injury to bees, do not apply to crops grown for seed. *See INSECT RESISTANCE statement elsewhere on this label.</p>		
<p>DRIED SHELLLED LEGUME VEGETABLES Includes all members of Crop Subgroup 6C: Adzuki bean, Blackeyed pea, Broad bean, Catjang, Chickpea (Garbanzo bean), Cowpea, Crowder pea, Field bean, Field pea, Guar, Kidney bean, Lablab bean, Lentil, Dry Lima bean, Lupin (grain, sweet, white and white sweet), Moth bean, Mung bean, Navy bean, Pigeon pea, Pinto bean, Rice bean, Tepary bean, Urd bean (Southern pea included in separate section.)</p>		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Cutworms Potato leafhopper	0.8-1.6	0.007-0.013
Cowpea curculio* Stink bugs Tarnished plant bug*	1.6-2.4	0.013-0.019
Bean leaf beetle Bean leaf webber Beet armyworm (1st and 2nd instar) Blister beetle Cabbage looper Corn earworm Cucumber beetle	2.4-3.2	0.019-0.025

European corn borer Fall armyworm (1st and 2nd instar) Grasshoppers Green cloverworm Japanese beetle (adult) Lygus bug Mexican bean beetle Pea leaf weevil Pea weevil Saltmarsh caterpillar Silverspotted skipper Soybean looper* Threecornered alfalfa hopper Tobacco budworm* Velvetbean caterpillar Webworm Woollybear caterpillar Yellowstriped armyworm (1st and 2nd instar)		
PEST SUPPRESSED		
Pea aphid	3.2	0.025
<p>Foliar Application Restrictions Pre-Harvest Interval (PHI): 7 days (minimum time between final application and threshing for seed). Maximum SULTRUS® allowed per 14-day interval: 3.2 fluid oz/A (0.025 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 6.4 fluid oz/A (0.05 lb AI/Acre). Do not feed treated vines or hay to livestock. *See INSECT RESISTANCE statement elsewhere on this label.</p>		

PEA, SOUTHERN		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Cutworms Potato leafhopper	0.8-1.6	0.007-0.013
Beet armyworm (1st and 2nd instar) Corn earworm Cowpea curculio* Fall armyworm (1st and 2nd instar) Grasshoppers Lygus bug Southern armyworm (1st and 2nd instar) Stink bugs Tarnished plant bug* Thrips Yellowstriped armyworm (1st and 2nd instar)	1.6-2.1	0.013-0.017
<p>Foliar Application Restrictions Pre-Harvest Interval (PHI): 3 day. Maximum SULTRUS® allowed per 5-day interval: 2.1 fluid oz/A (0.017 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 10.5 fluid oz/A (0.083 lb AI/Acre). Due to potential injury to bees, do not apply to southern peas grown for seed. Do not feed treated vines or hay to livestock. Do not apply to cowpea or southern pea varieties grown for livestock feed. *See INSECT RESISTANCE statement elsewhere on this label.</p>		

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POTATO AND OTHER TUBEROUS AND CORM VEGETABLES		
Includes all members of Crop Subgroup 1C: Arracacha, Arrowroot, Artichoke (Chinese and Jerusalem), Edible canna, Cassava (bitter and sweet), Chayote root, Chufa, Dasheen (taro), Ginger, Leren, Potato, Sweet potato, Tanier, True yam, Turmeric, Yam bean		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Cutworms Potato leafhopper	0.8-1.6	0.007-0.013
Cabbage looper Colorado potato beetle* Cucumber beetles European corn borer Flea beetles Potato psyllid Potato tuberworm Sweet potato weevil (adults) Tarnished plant bug*	1.6-2.8	0.013-0.022
PEST SUPPRESSED		
Aphids	2.8	0.022
Foliar Application Restrictions Pre-Harvest Interval (PHI): 0 day. If more than 5.6 fluid oz/Acre is applied, allow at least 14 days between last application and grazing. Maximum SULTRUS® allowed per 5-day interval: 2.8 fluid oz/A (0.022 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 16.8 fluid oz/A (0.132 lb AI/Acre). *See INSECT RESISTANCE statement elsewhere on this label.		

CARROT AND RADISH		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Aster leafhopper Cutworms Flea beetles Potato leafhopper	1.6-2.8	0.013-0.022
Carrot weevil	2.8	2.8
Foliar Application Restrictions Pre-Harvest Interval (PHI): 0 day. Maximum SULTRUS® allowed per 7-day interval: 2.8 fluid oz/A (0.022 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 14.0 fluid oz/A (0.11 lb AI/Acre). Do not harvest radish tops (leaves) for human consumption. Due to potential injury to bees, do not apply to crops grown for seed.		

SWEET CORN – FOLIAR APPLICATIONS		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Black cutworm Flea beetles Granulate cutworm Sand hill cutworm	0.8-1.6	0.007-0.013
Armyworm (1st and 2nd instar) Bean leaf beetle Cereal leaf beetle Chinch bug Click beetle (adult) Corn earworm Corn rootworms (adult) Corn silk fly (adult) European corn borer*	1.6-2.8	0.013-0.022

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Grape colaspis (adult) Japanese beetle (adult) June beetle (adult) Leafhoppers Masked chafer (adult) Southern armyworm (1st and 2nd instar) Southern corn leaf beetle Southwestern corn borer* Stalk borer* Stink bugs Webworm Western bean cutworm Yellowstriped armyworm (1st and 2nd instar)		
Grasshoppers	2.0-2.8	0.016-0.022
Fall armyworm (1st and 2nd instar)	2.8	0.022
<p>Foliar Application Restrictions Pre-Harvest Interval (PHI): 0 day. Maximum SULTRUS® allowed per 2-day interval: 2.8 fluid oz/A (0.022 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 28.0 fluid oz/A (0.22 lb AI/Acre). Minimum ULV application volume (once refined cotton seed/vegetable oil): 1.0 qt/A – aerial application. *Application must be made prior to the larva boring into the plant.</p>		

SWEET CORN – Soil Applications		
PESTS CONTROLLED	Rate fluid oz/1000 row-ft	Rate fluid oz/Acre
Seedcorn maggot Wireworm	0.12-0.16	2.0-2.8
PEST SUPPRESSED		
White grub	0.14-0.16	2.5-2.8
<p>Soil Application Restrictions Pre-Harvest Interval (PHI): 0 day. Maximum SULTRUS® allowed at planting: 2.8 fluid oz/A (0.022 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 28.0 fluid oz/A (0.22 lb AI/Acre). Use not permitted in California.</p>		
<p>Soil Application Notes APPLICATION INSTRUCTIONS: SULTRUS® may be applied in water or in liquid, pop-up fertilizer at planting. Apply in a minimum of 2 GPA of total mix volume when applied in water. Good agitation must be maintained at all times during application.</p>		
<p>INSTRUCTIONS FOR LIQUID POP-UP FERTILIZER APPLICATION: Perform a compatibility test prior to mixing the entire tank to ensure that SULTRUS® will remain in solution while applying. Take a known amount of the fertilizer to be used as a carrier and place in a glass jar. Add the appropriate amount of SULTRUS® based on the labeled use rate. Add other components to be tank mixed. Gently agitate the solution. Examine the solution for signs of incompatibility such as flocculation, precipitation, separation, etc. If incompatibility occurs, contact your local Helena Agri-Enterprises, LLC representative for additional information. Fertilizers containing zinc have been shown to be incompatible with SULTRUS®. PLACEMENT: Total mix volume should be applied in the open furrow ahead of the closing wheels for optimum coverage.</p>		

TREE and VINE CROPS
CROP USE DIRECTIONS

For all crops, apply specific dosage of SULTRUS® at early threshold for target pest, as population begins to develop. Degree of control or suppression of additional labeled pests will be determined, in part by the stage of pest development at application and infestation level of those pests.

Specified application rates within this label are based on full-size mature trees and vines. Application timing should be based on careful scouting and local economic thresholds. Use the higher rates for moderate to heavy insect pressure or when applying by air. Lower rates are generally adequate for smaller trees/vines or low to moderate insect pressure but require careful scouting and may require more frequent application.

SULTRUS® is an Emulsifiable Concentrate (EC) formulation and is active by contact and ingestion. For tree and vine crops, apply by ground or air

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equipment using sufficient water to obtain through coverage of target plant parts for optimum performance.

CITRUS (California and Arizona, Only)		
Includes all members of Crop Group 10: Calamondin, Citrus citron, Citrus hybrids (includes chironja, tangelo, and tangor), Grapefruit, Kumquat, Lemon, Lime, Mandarin (tangerine), Orange (sweet and sour), Pummelo, Satsuma mandarin, White sapote, and other cultivars and/or hybrids of these.		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Glassywinged sharpshooter	1.6-3.2	0.013-0.025
Foliar feeding cutworms Fuller rose beetle (larvae and adults on foliage) Grasshoppers Root-weevil complex (larvae and adults on foliage)	2.4-3.2	0.019-0.025
Asian citrus psyllid	2.4-6.4	0.019-0.05
Citrus thrips Katydid	6.4	0.05
Foliar Application Restrictions Pre-Harvest Interval (PHI): 0 day. Maximum SULTRUS® allowed per 7-day interval: 6.4 fluid oz/A (0.05 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 6.4 fluid oz/A (0.05 lb AI/Acre). Minimum application volume (water): 25 GPA – ground, 25 GPA – aerial application.		

GRAPE		
Includes: Table grape, Raisin, Wine and Muscadine grape		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Glassywinged sharpshooter Grape leaf skeletonizer Western grape leaf skeletonizer	1.6-3.2	0.013-0.025
Climbing cutworm Grape berry moth Grape bud beetle Grape cane gallmaker (adult) Grape flea beetle Grape leaffolder Grape leafhopper Grape leafroller Grape mealybug (crawlers) Omnivorous leafroller Orange tortrix Spiders (excluding black widow, brown recluse, and hobo) Thrips Variegated leafhopper	2.4-3.2	0.019-0.025
Foliar Application Restrictions Pre-Harvest Interval (PHI): 3 days. Maximum SULTRUS® allowed per 14-day interval: 3.2 fluid oz/A (0.025 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 12.8 fluid oz/A (0.1 lb AI/Acre). Minimum application volume (water): 50 GPA – ground, 10 GPA – aerial application.		

HOP		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Hop aphid Hop flea beetle Hop looper	3.2	0.025

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Hop plant bug		
Foliar Application Restrictions Pre-Harvest Interval (PHI): 7 days. Maximum SULTRUS® allowed per 14-day interval: 3.2 fluid oz/A (0.025 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 16.0 fluid oz/A (0.125 lb AI/Acre). Minimum application volume (water): 25 GPA – ground, 10 GPA – aerial application.		

POME FRUIT Includes all members of Crop Group 11: Apple, Crabapple, Loquat, Mayhaw, Pear, Oriental pear, Quince		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Green fruitworm Potato leafhopper White apple leafhopper	1.4-2.0	0.011-0.016
Codling moth Oriental fruit moth Spotted tentiform leafminer Stink bugs Tarnished plant bug Western tentiform leafminer	2.0-2.4	0.016-0.019
Apple leafroller Apple maggot (adult) Ermine moth European apple sawfly Lesser appleworm Obliquebanded leafroller Pandemis leafroller Pear sawfly (larvae = pear slug) Periodical cicada Plum curculio Redbanded leafroller San Jose scale (crawlers) Tufted apple bud moth Variegated leafroller	2.4-2.8	0.019-0.022
Foliar Application Restrictions Pre-Harvest Interval (PHI): 7 days. Maximum SULTRUS® allowed per 14-day interval: 2.8 fluid oz/A (0.022 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 2.8 fluid oz/A (0.022 lb AI/Acre). Minimum application volume (water): 100 GPA – ground application, 10 GPA – aerial application.		

STONE FRUIT Includes all members of Crop Group 12: Apricot, Cherry (sweet and tart), Nectarine, Peach, Plum (includes Chickasaw, Damson, and Japanese), Plumcot, Prune (fresh and dried)		
PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Green fruitworm Lesser peach tree borer White apple leafhopper	1.4-2.0	0.011-0.016
Codling Moth Lygus bug Oriental fruit moth Stink bugs Tarnished plant bug	2.0-2.4	0.016-0.019
American plum borer Black cherry aphid Cherry fruit fly Obliquebanded leafroller Omnivorous leafroller	2.4-2.8	0.019-0.022

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Peach twig borer Periodical cicada Plum curculio Redbanded leafroller Western cherry fruit fly		
Foliar Application Restrictions Pre-Harvest Interval (PHI): 7 days. Maximum SULTRUS® allowed per 14-day interval: 2.8 fluid oz/A (0.022 lb AI/Acre). Maximum SULTRUS® allowed per crop season: 5.6 fluid oz/A (0.044 lb AI/Acre). Minimum application volume (water): 50 GPA – ground application, 10 GPA – aerial application.		

TREE NUT CROPS
 Includes all members of Crop Group 14: Almond, Beechnut, Brazil nut, Butternut, Cashew, Chestnut, Chinquapin, Filbert, Hickory nut, Macadamia nut, Pecan, Pistachio, Walnut (black and English)

PESTS CONTROLLED	Rate fluid oz/Acre	Rate lb AI/Acre
Potato leafhopper White apple leafhopper	1.4-2.0	0.011-0.016
Ants (on foliage) Codling moth Common earwig Filbertworm Leaffooted bug Navel orangeworm Pecan nut casebearer Pecan weevil Stink bugs Tarnished plant bug Twolined spittlebug	2.0-2.4	0.016-0.019
Hickory shuckworm Obliquebanded leafroller Peach twig borer Walnut husk fly	2.4-2.8	0.019-0.022

Foliar Application Restrictions
 Pre-Harvest Interval (PHI): 14 days.
 Maximum SULTRUS® allowed per 14-day interval: 2.8 fluid oz/A (0.022 lb AI/Acre).
 Maximum SULTRUS® allowed per crop season: 2.8 fluid oz/A (0.022 lb AI/Acre).
 Minimum application volume (water): 100 GPA – ground application, 10 GPA – aerial application.

RATE CONVERSION CHART		
FLUID OZ PER ACRE	LB AI PER ACRE	ACRES PER GALLON
0.8	0.0065	160
1.0	0.008	128
1.2	0.0095	107
1.4	0.011	91
1.6	0.0125	80
1.8	0.014	71
2.0	0.0155	64
2.2	0.017	56
2.4	0.019	53
2.6	0.0205	49
2.8	0.022	46
3.0	0.0235	43
3.2	0.025	40
6.4	0.05	20

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE: Store in a cool, dry place and away from open flame and extreme heat. Store in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Store in original container and out of the reach of children, preferably in a locked storage area.

Handle and open container in a manner as to prevent spillage. If container is leaking, invert container to prevent leakage. If the container is leaking or material spilled for any reason or cause, carefully dam up spilled material to prevent runoff. Refer to Precautionary Statements on label for hazards associated with the handling of this material. Do not walk through spilled material.

Absorb spilled material with absorbing type compounds and dispose of as directed for pesticides below. In spill or leak incidents, keep unauthorized people away.

PESTICIDE DISPOSAL:

Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER HANDLING

Non-refillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling, if available, or puncture and dispose of in a sanitary landfill, or incineration or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

CONTAINER DISPOSAL – RETURNABLE/REFILLABLE SEALED CONTAINER: Do not rinse container. Do not break seals. Replace the dust cover/cap and return container, intact to point of purchase.

CONDITIONS OF SALE–LIMITED WARRANTY
AND LIMITATIONS OF LIABILITY AND REMEDIES

Read the Conditions of Sale–Warranty and Limitations of Liability and Remedies before using this product. If the terms are not acceptable, return the product, unopened, and the full purchase price will be refunded.

The directions on this label are believed to be reliable and must be followed carefully. Insufficient control of pests and/or injury to the crop to which the product is applied may result from the occurrence of extraordinary or unusual weather conditions or the failure to follow the label directions or good application practices, all of which are beyond the control of Helena Agri-Enterprises, LLC (the "Company") or seller. In addition, failure to follow label directions may cause injury to crops, animals, man or the environment. The Company warrants that this product conforms to the chemical description on the label and is reasonably fit for the purpose referred to in the directions for use subject to the factors noted above which are beyond the control of the Company. To the extent consistent with applicable law, the Company makes no other warranties or representations of any kind; express or implied, concerning the product, including no implied warranty of merchantability or fitness for any particular purpose, and no such warranty shall be implied by law.

To the extent consistent with applicable law, the exclusive remedy against the Company for any cause of action relating to the handling or use of this product shall be limited to, at Helena Agri-Enterprises, LLC's election, one of the following:

1. Refund of the purchase price paid by buyer or user for product bought, or
2. Replacement of the product used

To the extent consistent with applicable law, the Company shall not be liable and any and all claims against the Company are waived for special, indirect, incidental, or consequential damages or expense of any nature, including, but not limited to, loss of profits or income. The Company and the seller offer this product and the buyer and user accept it, subject to the foregoing conditions of sale and limitation of warranty, liability and remedies.

SULTRUS® is a registered trademark of Helena Holding Company.

PROPICONAZOLE GROUP 3 FUNGICIDE

AZOXYSTROBIN GROUP 11 FUNGICIDE



Broad-spectrum fungicide for control of plant diseases

ACTIVE INGREDIENTS:

Azoxystrobin* 13.5%
Propiconazole** 11.7%

OTHER INGREDIENTS: 74.8%

TOTAL: 100.0%

*CAS No. 131860-33-8

**CAS No. 60207-90-1

AVARIS® 2XS is formulated as a suspo-emulsion (SE) and contains 1.02 lb ai of propiconazole and 1.18 lb ai of azoxystrobin per gallon.

**KEEP OUT OF REACH OF CHILDREN
WARNING/AVISO**

Si usted no entiende la etiqueta, busque a alguien
para que se la explique a usted en detalle.

(If you do not understand the label, find someone to explain it to you in detail.)

See additional precautionary statements and directions for use inside booklet.

See First Aid statement inside booklet or on container label.

EPA Reg. No. 100-1324-5905
EPA Est. 100-NE-001

SCPSR-HEL-1324C-L1F 0122
4160755
AD 010422HAE



NET CONTENTS: 2.5 GALLONS

11426-L1088565 05-13-22 SCP 01-03 (07-31-23)
AVARIS® 2XS (HELENA AGRI-ENTERPRISES, LLC) –
2.5 gal Booklet/Base – Mech
SCP 7082... 7821... 8783... 8924... 9415... 11426...

AGI 107035
Print size – Booklet: 5.75" wide x 6.75" high
Base: 6.75" wide x 6.75" high
Pantone colors – PMS 0821, PMS 2736, Pantone Black
No. of pages – 36

Complainant MSJ Exhibit 1 - Avaris

NOTES

FIRST AID	
If in eyes	<ul style="list-style-type: none">• Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing.• Call a poison control center or doctor for treatment advice.
If swallowed	<ul style="list-style-type: none">• Call a poison control center or doctor immediately for treatment advice.• Have person sip a glass of water if able to swallow.• Do not induce vomiting unless told to by a poison control center or doctor.• Do not give anything to an unconscious person.
If on skin	<ul style="list-style-type: none">• Take off contaminated clothing.• Rinse skin immediately with plenty of water for 15-20 minutes.• Call a poison control center or doctor for treatment advice.
If inhaled	<ul style="list-style-type: none">• Move person to fresh air.• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.• Call a poison control center or doctor for further treatment advice.
Have the product container or label with you when calling a poison control center or doctor or going for treatment.	
HOTLINE NUMBER For 24-Hour Medical Emergency Assistance (Human or Animal) Or Chemical Emergency Assistance (Spill, Leak, Fire or Accident) Call Chemtrec at 1-800-424-9300	

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

WARNING/AVISO

Causes substantial but temporary eye injury. Harmful if swallowed. Do not get in eyes or on clothing. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove and wash contaminated clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear:

- Protective eyewear (goggles, face shield, or safety glasses)
- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks

User Safety Requirements

Follow the manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Controls

Pilots must use an enclosed cockpit that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240(d)(6)). Human flagging is prohibited.

continued...

PRECAUTIONARY STATEMENTS (continued)

USER SAFETY RECOMMENDATIONS

Users should:

- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

Azoxystrobin can be persistent for several months or longer. Azoxystrobin has degradation products which have properties similar to chemicals which are known to leach through soil to ground water under certain conditions as a result of agricultural use. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow may result in ground water contamination.

Azoxystrobin and propiconazole are toxic to freshwater and estuarine/marine fish; and azoxystrobin is toxic to aquatic invertebrates. Propiconazole is toxic to shrimp. Do not apply directly to water except as specified on this label. For terrestrial uses, do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwater or rinsate.

Notify state and/or federal authorities and Helena Agri-Enterprises, LLC immediately if you observe any adverse environmental effects due to use of this product.

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions, presence of other materials or other influencing factors in the use of the product, which are beyond the control of HELENA AGRI-ENTERPRISES, LLC or Seller. To the extent permitted by applicable law, Buyer and User agree to hold HELENA AGRI-ENTERPRISES, LLC and Seller harmless for any claims relating to such factors.

HELENA AGRI-ENTERPRISES, LLC warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. To the extent permitted by applicable law: (1) this warranty does not extend to the use of the product contrary to label instructions or under conditions not reasonably foreseeable to or beyond the control of Seller or HELENA AGRI-ENTERPRISES, LLC, and (2) Buyer and User assume the risk of any such use. **TO THE EXTENT PERMITTED BY APPLICABLE LAW, HELENA AGRI-ENTERPRISES, LLC MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS WARRANTED BY THIS LABEL.**

To the extent permitted by applicable law, in no event shall HELENA AGRI-ENTERPRISES, LLC be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **TO THE EXTENT PERMITTED BY APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF HELENA AGRI-ENTERPRISES, LLC AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF HELENA AGRI-ENTERPRISES, LLC OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

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HELENA AGRİ-ENTERPRISES, LLC and Seller offer this product, and Buyer and User accept it, subject to the foregoing Conditions of Sale and Limitation of Warranty and Liability, which may not be modified except by written agreement signed by a duly authorized representative of HELENA AGRİ-ENTERPRISES, LLC.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

FAILURE TO FOLLOW THE USE DIRECTIONS AND PRECAUTIONS ON THIS LABEL MAY RESULT IN CROP INJURY OR POOR DISEASE CONTROL AND/OR ILLEGAL RESIDUES.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your state or tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), notification to workers, and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil or water is:

- Protective eyewear
- Coveralls
- Chemical-resistant gloves made of any waterproof material
- Shoes plus socks

PRODUCT USE RESTRICTIONS

DO NOT use in nurseries, greenhouses or landscape plantings.

DO NOT spray **AVARIS® 2XS** where spray drift may reach apple trees.

DO NOT use spray equipment which has been previously used to apply **AVARIS® 2XS** to spray apple trees. Even trace amounts can cause unacceptable phytotoxicity to certain apple and crabapple varieties.

PRODUCT INFORMATION

AVARIS® 2XS is a broad-spectrum, preventative fungicide with systemic and curative properties specified for the control of many important plant diseases. **AVARIS® 2XS** may also improve the yield and/or quality of the crop. These additional benefits are due to positive effects on plant physiology. The effects may vary according to other factors such as the crop, crop hybrid, or environment. **AVARIS® 2XS** may be applied as a foliar spray in alternating spray programs or in tank mixes with other crop protection products. All applications must be made according to the use directions that follow.

PRODUCT USE INSTRUCTIONS

Application: Thorough coverage is necessary to provide good disease control. Make up no more spray solution than is needed for application. Avoid spray overlap, as crop injury may occur.

Adjuvants: For some uses on this label, a spreading/penetrating type adjuvant such as a non-ionic surfactant, crop oil concentrate, or blend may be added at the manufacturer's specified rates. Adjuvants that contain some form of silicone can contribute to phytotoxicity. When an adjuvant is used with this product, the use of an adjuvant that meets the standards of the Chemical Producers and Distributors Association (CPDA) adjuvant certification program is recommended.

Crop Tolerance/Phytotoxicity: **AVARIS® 2XS** demonstrates some phytotoxic effects when mixed with products that are formulated as ECs. These effects are enhanced if applications are made under cool, cloudy conditions and these conditions remain for several days following application. In addition, adjuvants that contain some form of silicone can contribute to phytotoxicity. Under certain environmental conditions, tank mixes of **AVARIS® 2XS** plus herbicides and/or fertilizers may cause crop injury in barley, triticale and wheat.

ATTENTION

AVARIS® 2XS is extremely phytotoxic to certain apple varieties.

AVOID SPRAY DRIFT. Extreme care must be used to prevent injury to apple trees (and apple fruit).

AVOIDING SPRAY DRIFT IS THE RESPONSIBILITY OF THE APPLICATOR.

Efficacy: Under certain conditions conducive to extended infection periods, use another registered fungicide for additional applications if maximum amount of **AVARIS® 2XS** has been used. If resistant isolates to Group 3 or Group 11 fungicides are present, efficacy can be reduced. The higher rates in the rate range and/or shorter spray intervals may be required under conditions of heavy infection pressure, highly susceptible varieties, or when environmental conditions conducive to disease exist.

Integrated Pest Management: **AVARIS® 2XS** should be integrated into an overall disease and pest management strategy whenever the use of a fungicide is required. Cultural practices known to reduce disease development should be followed. The SPECIFIC USE DIRECTIONS section in this label identifies specific IPM recommendations for each crop. Consult your local agricultural authorities for additional IPM strategies established for your area. **AVARIS® 2XS** may be used in state agricultural extension advisory (disease forecasting) programs which recommend application timing based on environmental factors favorable for disease development.

RESISTANCE MANAGEMENT

PROPICONAZOLE	GROUP	3	FUNGICIDE
AZOXYSTROBIN	GROUP	11	FUNGICIDE

For resistance management, please note that **AVARIS® 2XS** contains both a Group 3 (propiconazole) and Group 11 (azoxystrobin) fungicides. **AVARIS® 2XS** has two modes of action: (1) DMI (Demethylation Inhibitor) of sterol biosynthesis which disrupts membrane synthesis (Group 3), and (2) inhibitor of the Qo (quinone outside) site within the electron transport system which disrupts fungal respiration (Group 11). Any fungal population may contain individuals naturally resistant to either or both of the active ingredients in **AVARIS® 2XS** and other Group 3 or Group 11 fungicides. A gradual or total loss of pest control may occur over time if these fungicides are used repeatedly in the same fields. Appropriate resistance-management strategies should be followed.

To delay fungicide resistance, take one or more of the following steps:

- Rotate the use of **AVARIS® 2XS** or other Group 11 and 3 fungicides within a growing season sequence with different groups that control the same pathogens.
- Use tank mixtures with fungicides from a different group that are equally effective on the target pest when such use is permitted. Use at least the minimum application rate as labeled by the manufacturer.
- Adopt an integrated disease management program for fungicide use that includes scouting, uses historical information related to pesticide use and crop rotation, and which considers host plant resistance, impact of environmental conditions on disease development, disease thresholds, as well as cultural, biological, and other chemical control practices.
- Where possible, make use of predictive disease models to effectively time fungicide applications. Note that using predictive models alone is not sufficient to manage resistance.
- Monitor treated fungal populations for resistance development.
- Contact your local extension specialist or certified crop advisor for any additional pesticide resistance-management and/or IPM recommendations for specific crops and pathogens.
- For further information or to report suspected resistance, contact Helena Agri-Enterprises, LLC at 1-800-424-9300. You can also contact your pesticide distributor or university extension specialist to report resistance.

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Follow the specific crop directions that limit the total number of sprays on a crop and the required alternations with fungicides from other resistance management groups. In situations requiring multiple sprays, develop season long spray programs for Group 11 Qol (quinone outside inhibiting) fungicides. The program should meet the goal of no more than $\frac{1}{3}$ of the total sprays per season, when a Group 11 fungicide is used as a solo product, or $\frac{1}{2}$ the total sprays when a Group 11 fungicide is used in a mixture. Programs that include both solo Group 11 products and/or mixes containing Group 11 products should be no more than $\frac{1}{2}$ the total sprays.

AVARIS® 2XS should not be alternated or tank mixed with any fungicide to which resistance has already developed.

Rotational Crops:

Rotational Crops	Planting Time From Last AVARIS® 2XS Application
Beans, Dry and Succulent Specific Brassica, leafy greens Bulb Vegetables Carrots Celery (and other leaf petiole crops - subgroup 4B) Cereals (wheat, barley, triticale, oat, and rye) Corn (field, seed, pop, and sweet) Dill Grasses grown for seed (Cool season grasses only) Mint Peanuts Quinoa Radish Rice (including Wild Rice) Sorghum Soybeans Strawberry and Low-Growing Berry Subgroup 13-07G Sugar beets Sugarcane Watercress	0 days
Buckwheat Millet	12 Months
Alfalfa (if propiconazole rate does not exceed 0.22 lb ai/acre/year)	75 days
All Other Crops Intended for Food, Grazing, or Feed	105 days

Any crop listed and approved for use on this label has a 0 day plant back interval.

SPRAY DRIFT MANAGEMENT

SPRAY DRIFT MANAGEMENT

Aerial Applications

- Do not release spray at a height greater than 10 ft above the crop canopy, unless a greater application height is necessary for pilot safety.
- Applicators are required to select nozzles that deliver medium to coarse spray droplets in accordance with ASABE Standard S-572.1.
- Nozzles must be oriented so the spray is directed toward the back of the aircraft.
- Do not apply when wind speeds exceed 15 mph at the application site. If the windspeed is greater than 10 mph, the boom length must be 65% or less of the wingspan for fixed wing aircraft and 75% or less of the rotor diameter for helicopters. Otherwise, the boom length must be 75% or less of the wingspan for fixed-wing aircraft and 90% or less of the rotor diameter for helicopters.
- Applicators must use ¹/₂ swath displacement upwind at the downwind edge of the field.
- Do not apply during temperature inversions.

Ground Boom Applications

- User must only apply with the release height recommended by the manufacturer, but no more than 4 feet above the ground or crop canopy.
- Applicators are required to use a medium or coarser droplet size (ASABE S-572.1).
- Do not apply when wind speeds exceed 15 miles per hour at the application site.
- Do not apply during temperature inversions.

SPRAY DRIFT ADVISORIES

- THE APPLICATOR IS RESPONSIBLE FOR AVOIDING OFF-SITE SPRAY DRIFT.
- BE AWARE OF NEARBY NON-TARGET SITES AND ENVIRONMENTAL CONDITIONS.

IMPORTANCE OF DROPLET SIZE

The effective way to reduce spray drift is to apply large droplets. Use the largest droplets that provide target pest control. While applying larger droplets will reduce spray drift, the potential for drift will be greater if applications are made improperly or under unfavorable environmental conditions.

CONTROLLING DROPLET SIZE – GROUND BOOM

- Volume - Increasing the spray volume so that larger droplets are produced will reduce spray drift. Use the highest practical spray volume for the application. If a greater spray volume is needed, consider using a nozzle with higher flow rate.
- Pressure - Use the lowest spray pressure recommended for the nozzle to produce the target spray volume and droplet size.
- Nozzle Type - Use a spray nozzle that is designed for the intended application. Consider using nozzles designed to reduce drift.

CONTROLLING DROPLET SIZE – AIRCRAFT

- Adjust Nozzles - Follow nozzle manufacturers recommendations for setting up nozzles. Generally, to reduce fine droplets, nozzles should be oriented parallel with the airflow in flight.

BOOM HEIGHT – GROUND BOOM

- For ground equipment, the boom should remain level with the crop and have minimal bounce.

RELEASE HEIGHT – AIRCRAFT

- Higher release heights increase the potential for spray drift.

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SHIELDED SPRAYERS

- Shielding the boom or individual nozzles can reduce spray drift. Consider using shielded sprayers. Verify that the shields are not interfering with the uniform deposition of the spray on the target area.

TEMPERATURE AND HUMIDITY

- When making applications in hot and dry conditions, set up equipment to produce larger droplets to reduce effects of evaporation.

TEMPERATURE INVERSIONS

- Drift potential is high during a temperature inversion. Temperature inversions are characterized by increasing temperature with altitude and are common on nights with limited cloud cover and light to no wind. Their presence of an inversion can be indicated by ground fog or by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing. Avoid applications during temperature inversions.

WIND

- Drift potential increases at wind speeds. Do not apply at wind speeds below 3 mph. AVOID APPLICATIONS DURING GUSTY WIND CONDITIONS.
- Applicators need to be familiar with local wind patterns and terrain that could affect spray drift.

MIXING AND APPLICATION METHODS

AVARIS® 2XS may be applied with all types of spray equipment commonly used for making ground and aerial applications. Proper adjustments and calibration of spraying equipment to give good canopy penetration and coverage is essential for good disease control.

Spray Equipment

Nozzles

- Equip sprayers with nozzles that provide accurate and uniform application.
- Nozzles should be the same size and uniformly spaced across the boom.
- Calibrate sprayer before use.
- It is suggested that screens be used to protect the pump and to prevent nozzles from clogging.
- Screens placed on suction side of pump should be *16-mesh or coarser*.
- Do not place a screen in the recirculation line.
- Use 50-mesh or coarser screens between the pump and boom, and where required, at the nozzles.
- Check nozzle manufacturer's recommendations.

Pump

- Use a pump with capacity to:
 - (1) Maintain 35-40 psi at nozzles.
 - (2) Provide sufficient agitation in tank to keep mixture in suspension. Use a jet agitator or liquid sparge tube for agitation.

For more information on spray equipment and calibration, consult sprayer manufacturer's and state recommendations. For specific local directions and spray schedules, consult the current state agricultural recommendations.

Mixing Instructions

- **AVARIS® 2XS** is a suspoemulsion (SE) formulation.
- Prepare no more spray mixture than is required for the immediate operation.
- Thoroughly clean spray equipment before using this product.
- Agitate the spray solution before and during application.
- Rinse spray tank thoroughly with clean water after each day's use and dispose of pesticide rinsate by application to an already treated area.

AVARIS® 2XS Alone (no tank mix)

- Add 1/2-2/3 of the required amount of water to the spray or mixing tank.
- With the agitator running, add **AVARIS® 2XS** to the tank.
- Continue agitation while adding the remainder of the water.
- Begin application of the spray solution after **AVARIS® 2XS** has completely dispersed into the mix water.
- Maintain agitation until all of the mixture has been sprayed.

AVARIS® 2XS + Tank Mixtures: **AVARIS® 2XS** is usually compatible with all tank-mix partners listed on this label. Do not combine **AVARIS® 2XS** in the spray tank with pesticides, surfactants, or fertilizers unless compatibility charts or your own prior use has shown that the combination is physically compatible, effective, and non-injurious to the crop under your conditions of use. To determine the physical compatibility of **AVARIS® 2XS** with other products, use a jar test. Using a quart jar, add the proportionate amounts of the products to 1 qt of water. Add wettable powders and water dispersible granular products first, then liquid flowables (which includes suspoemulsions), followed by emulsifiable concentrates and additives/adjuvants last. After thoroughly mixing, let stand for at least 5 minutes. If the combination remains mixed or can be remixed readily, it is physically compatible. Once compatibility has been proven, use the same procedure for adding required ingredients to the spray tank.

It is the pesticide user's responsibility to ensure that all products are registered for the intended use. Read and follow the applicable restrictions and limitations and directions for use on all product labels involved in tank mixing. Users must follow the most restrictive directions for use and precautionary statements of each product in the tank mixture.

Mixing in the Spray Tank

- Add 1/2-2/3 of the required amount of water to the spray or mixing tank.
- With the agitator running, add the tank-mix partner(s) into the tank in the same order as described above in the "**AVARIS® 2XS** + Tank Mixtures" section.
- Allow the material to completely dissolve and disperse into the mix water. Continue agitation while adding the remainder of the water and the **AVARIS® 2XS** to the spray tank.
- Allow **AVARIS® 2XS** to completely disperse.
- Spray the mixture with the agitator running.
- Observe all directions for use, crops/sites, use rates, dilution ratios, precautions, and limitations which appear on the tank-mix product label.
- No label dosage rate may be exceeded, and the most restrictive label precautions and limitations must be followed.
- This product may not be mixed with any product which prohibits such mixing.

Application Instructions

Avoid application under conditions when uniform coverage cannot be obtained or when excessive spray drift may occur. Do not apply in a manner that will result in exposure to humans or animals.

Ground Application

- For field crops (non-trees), apply in a minimum of 10 gallons of water per acre unless specified otherwise.
- For tree crops, apply in a minimum of 50 gallons of water per acre unless specified otherwise.
- Thorough coverage is necessary to provide good disease control.
- Do not apply with a nozzle height greater than 4 feet above the crop canopy.

Aerial Application

- Use only on crops where aerial applications are indicated.
- For field crops (non-trees), apply in a minimum spray volume of 2 gallons per acre unless specified otherwise.
- For ULV applications (corn), apply in a minimum spray volume of 1 gallon per acre. For ULV applications, thorough coverage is necessary to provide good results. Please refer to the "**Application**" instructions section for details regarding best practices to achieve good coverage. Not for ULV use in California.
- For tree crops, apply in a minimum of 10 gallons of water per acre unless specified otherwise.
- Thorough coverage is necessary to provide good disease control.

Application Through Irrigation Systems (Chemigation)

- Use only on crops for which chemigation is specified on this label.
- Apply this product only through center pivot, solid set, hand move, or moving wheel irrigation systems. Do not apply this product through any other type of irrigation system.
- Crop injury, lack of effectiveness, or illegal pesticide residues in the crop can result from non-uniform distribution of treated water.
- Apply in 0.125-0.25 inches per acre of water. Excessive water may reduce efficacy.
- If you have questions about calibration, you should contact state extension service specialists, equipment manufacturers, or other experts.
- Do not connect an irrigation system (including greenhouse systems) used for pesticide application to a public water system, unless the pesticide label-prescribed safety devices for public water systems are in place.
- A person knowledgeable of the chemigation system and responsible for its operation, or under the supervision of the responsible person, shall shut the system down and make necessary adjustments should the need arise.

Spray Preparation: Chemical tank and injector system should be thoroughly cleaned. Flush system with clean water.

Operating Instructions

1. The system must contain a functional check valve, vacuum relief valve, and low-pressure drain appropriately located on the irrigation pipeline to prevent water-source contamination from backflow.
2. The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection pump.
3. The pesticide injection pipeline must also contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.
4. The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops.
5. The irrigation line or water pump must include a functional pressure switch which will stop the water pump motor when the water pressure decreases to the point where pesticide distribution is adversely affected.
6. Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.
7. Allow sufficient time for pesticide to be flushed through all lines and all nozzles before turning off irrigation water. A person knowledgeable of the chemigation system and responsible for its operation, or under the supervision of the responsible person, shall shut the system down and make necessary adjustments should the need arise.
8. Do not connect an irrigation system (including greenhouse systems) used for pesticide application to a public water system unless the pesticide label-prescribed safety devices for public water systems are in place.
9. Do not apply when wind speed favors drift beyond the area intended.

Center Pivot Irrigation Equipment

Notes: (1) Use only with drive systems which provide uniform water distribution. (2) Do not use end guns when chemigating **AVARIS® 2XS** through center pivot systems because of non-uniform application.

- Determine the size of the area to be treated.
- Determine the time required to apply 0.125-0.25 inches per acre of water over the entire area to be treated when the system and injection equipment are operated at normal pressures as recommended by the equipment manufacturer. When applying **AVARIS® 2XS** through irrigation equipment use the lowest obtainable water volume while maintaining uniform distribution. Run the system at 80-95% of the manufacturer's rated capacity.
- Using water, determine the injection pump output when operated at normal line pressure.
- Determine the amount of **AVARIS® 2XS** required to treat the area covered by the irrigation system.

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- Add the required amount of **AVARIS® 2XS** and sufficient water to meet the injection time requirements to the solution tank.
- Make sure the system is fully charged with water before starting injection of the **AVARIS® 2XS** solution. Time the injection to last at least as long as it takes to bring the system to full pressure.
- Maintain constant solution tank agitation during the injection period.
- Continue to operate the system until the **AVARIS® 2XS** solution has cleared the sprinkler head.

Solid Set, Hand Move, and Moving Wheel Irrigation Equipment

- Determine the acreage covered by the sprinklers.
- Fill injector solution tank with water and adjust flow rate to use the contents over a 20- to 30-minute interval. When applying **AVARIS® 2XS** through irrigation equipment use the lowest obtainable water volume while maintaining uniform distribution.
- Determine the amount of **AVARIS® 2XS** required to treat the area covered by the irrigation system.
- Add the required amount of **AVARIS® 2XS** into the same quantity of water used to calibrate the injection period.
- Operate the system at the same pressure and time interval established during the calibration.
- Stop injection equipment after treatment is completed. Continue to operate the system until the **AVARIS® 2XS** solution has cleared the last sprinkler head.

Specific Instructions for Public Water Systems

1. Public water system means a system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
2. Chemigation systems connected to public water systems must contain a functional, reduced-pressure zone (RPZ), back-flow preventer or the functional equivalent in the water supply line upstream from the point of pesticide introduction. As an option to the RPZ, the water from the public water system should be discharged into a reservoir tank prior to pesticide introduction. There shall be a complete physical break (air gap) between the outlet end of the fill pipe and the top or overflow rim of the reservoir tank of at least twice the inside diameter of the fill pipe.
3. The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection pump.
4. The pesticide injection pipeline must contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.
5. The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops, or in cases where there is no water pump, when the water pressure decreases to the point where pesticide distribution is adversely affected.
6. Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.
7. Do not apply when wind speed favors drift beyond the area intended for treatment.

SPECIFIC DIRECTIONS FOR USE

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
Almonds	Brown Rot Blossom Blight (<i>Monilinia</i> spp.)	14 - 26	Apply AVARIS® 2XS at early bloom stage. If disease pressure is low, a second application of 14 fl oz/A may be made as needed through petal fall. Under conditions of high disease pressure and/or very susceptible varieties, applications may be needed at 50-75% bloom and petal fall. AVARIS® 2XS may be used on only 2 blossom blight applications. Tilt® may be used for one of these applications.
	Alternaria Leaf Spot (<i>A. alternata</i>) Anthracnose (<i>Collectotrichum acutatum</i>) Leaf Blight (<i>Seimatosporium lichenicola</i>) Leaf Rust (<i>Tranzschelia discolor</i>) Scab (<i>Cladosporium carpophilum</i>) Shothole (<i>Wilsonomyces carpophilus</i>)	17.5 - 26	Apply AVARIS® 2XS beginning at bud break on a 7- to 14-day interval. Make no more than 2 consecutive applications before switching to a non-Group 11 fungicide.
<p>Application: Make no more than 2 sequential applications of a Group 11 fungicide prior to alternating with another product with a different mode of action than Group 11 fungicides. Almond diseases are more effectively controlled by ground application, using sufficient water volume to provide thorough and uniform coverage. AVARIS® 2XS may be applied by ground or by air (minimum of 15 gal/A). Aerial application may be used if necessary but disease control may be reduced. AVARIS® 2XS may be applied by air only at growth stages prior to and including 5 weeks after petal fall.</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 112 fl oz/A/year of AVARIS® 2XS. 2) Do not apply more than 26 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.9 lb ai of propiconazole-containing products/A/year. 4) Do not apply more than 1.5 lb ai of azoxystrobin-containing products/A/year. 5) Do not make more than 4 applications at the highest rate (26 fl oz/A) or 8 applications at the lowest rate (14 fl oz/A) of AVARIS® 2XS per year. 6) Do not apply within 60 days of harvest (60-day PHI). 7) Do not graze livestock in treated areas or cut treated cover crop for feed. 			

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
Bananas Plantains	Black Sigatoka <i>(Mycosphaerella fijiensis)</i> Yellow Sigatoka <i>(Mycosphaerella musicola)</i>	10.5	Apply AVARIS® 2XS before disease symptoms appear at the onset of the rainy season. Apply 10.5 fl oz of AVARIS® 2XS/A in 10-20 gallons of water/A. Apply no more than 2 consecutive applications on a 21- to 25-day schedule before rotating to another labeled product with a different mode of action for at least 2 sprays. A maximum of 8 applications can be made. If possible, it is recommended to have at least 2 consecutive months 'triazole free' during the period of lower disease pressure.
Application: AVARIS® 2XS may be applied by ground (minimum of 15 gal/A) or aerial application (minimum of 5 gal/A).			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 84 fl oz of AVARIS® 2XS during each growing season (this includes any preharvest sprays). 2) Do not apply more than 10.5 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.67 lb ai propiconazole-containing product/A/year. 4) Do not apply more than 1.08 lb ai azoxystrobin-containing product/A/year. 5) Do not make more than 8 applications of AVARIS® 2XS per year. 6) Do not apply AVARIS® 2XS within 100 yards of non-bagged bananas. 7) Do not apply AVARIS® 2XS on bananas unless they are protected by polyethylene bags. 8) Do not apply AVARIS® 2XS on plantains if the fruit present are not protected with polyethylene bags. 9) Do not feed whole bananas and plantains to animals. 			

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
<p>Beans, Dry and Succulent</p> <p>Bean (<i>Cicer arietinum</i>) (<i>Lupinus</i> spp.) (<i>Phaseolus</i> spp.) (<i>Vigna</i> spp.) (<i>Vicia faba</i>)</p> <p>See below for complete list of dry and succulent beans.</p>	<p>Alternaria Blight (<i>Alternaria</i> spp.) Alternaria Leaf Spot (<i>Alternaria alternata</i>) Anthracnose (<i>Colletotrichum lindemuthianum</i>) Ascochyta Blight (<i>Mycosphaerella pinodes</i>) Ascochyta Leaf Spot (<i>Ascochyta phaseolorum</i>) Ascochyta Leaf and Pod Spot (<i>Ascochyta</i> spp.) Bean Rust (<i>Uromyces appendiculatus</i>) Rust (<i>Phakopsora</i> spp.) Southern Blight (<i>Sclerotium rolfsii</i>) Web Blight (<i>Rhizoctonia solani</i>)</p>	<p>10.5 - 14</p>	<p>Apply when conditions are conducive for disease. Up to three applications may be made on a 7- to 14-day interval.</p> <p>NOTE: On certain bean varieties, AVARIS® 2XS application may cause crinkled and/or greener leaves. Yields of beans displaying these characteristics have not been reduced.</p>
<p>Dry and Succulent Beans: <i>Cicer arietinum</i> (chickpea, garbanzo bean); <i>Lupinus</i> spp. (including sweet lupine, white sweet lupine, white lupine, and grain lupine); <i>Phaseolus</i> spp. (including kidney bean, lima bean, mung bean, navy bean, pinto bean, snap bean, and waxbean); <i>Vicia faba</i> (broad bean, fava bean); <i>Vigna</i> spp. (including asparagus bean, blackeyed pea and cowpea)</p>			
<p>Application Instructions: AVARIS® 2XS may be applied by ground or by air.</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 42 fl oz of AVARIS® 2XS/crop/A. 2) Do not apply more than 14 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.34 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 1.5 lb ai of azoxystrobin-containing product/A/year. 5) Do not make more than 3 applications of AVARIS® 2XS per year. 6) Do not apply within 7 days of harvest (7-day PHI) for succulent beans. 7) Do not apply within 14 days of harvest (14-day PHI) for dry beans. 8) Not for use on cowpea cultivars intended for livestock feeding only. 			

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
<p>Berry, Bushberry Subgroup 13-07B</p> <p>Blueberry (high and low bush) Cranberry, Highbush Currant, Black Currant, Red Elderberry Gooseberry</p> <p>Including all cultivars and/or hybrids of these</p> <p>See below for complete list of bushberry subgroup.</p>	<p>Botryosphaeria Canker (<i>Botryosphaeria</i> spp.) Leaf Spot and Stem Canker (<i>Septoria albopuncatata</i>) Leaf Spot (<i>Septoria</i> spp.) Mummyberry (<i>Monilinia vaccini-corymbosi</i>) Phomopsis Twig Blight, Fruit Rot, and Stem Canker (<i>P. vaccini</i>) Powdery Mildew (<i>Microsphaera vaccinii</i>) Rust (<i>Pucciniastrum vaccinii</i>)</p>	<p>14 - 21</p>	<p>For mummyberry, make the first application of AVARIS® 2XS beginning at green tip and repeat in 7 to 10 days. If conditions are favorable for disease development, additional application may need to be made at pink bud and repeating every 7 to 10 days through petal fall. Do not apply more than 2 consecutive applications before alternating to a non-Group 11 containing fungicide.</p> <p>For other diseases listed, AVARIS® 2XS should be applied prior to disease development and continue throughout the season on a 7- to 14-day interval.</p> <p>Make no more than two consecutive sprays before alternating to a non-Group 11 fungicide. Make no more than 3 applications per crop of AVARIS® 2XS or other Group 11 fungicides.</p>
<p>Bushberry Subgroup: Aronia berry; Blueberry, highbush; Blueberry, lowbush; Buffalo currant; Chilean guava; Cranberry, highbush; Currant, black; Currant, red; Elderberry; European barberry; Gooseberry; Honeysuckle, edible; Huckleberry; Jostaberry; Juneberry (Saskatoon berry); Lingonberry; Native currant; Salal; Sea buckthorn</p>			
<p>Application: AVARIS® 2XS may be applied by ground or by air (minimum of 15 gal/A).</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 63 fl oz/A/year of AVARIS® 2XS. 2) Do not apply more than 21 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.84 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 0.75 lb ai azoxystrobin-containing product/A/year on bushberries. 5) Do not make more than 3 applications of AVARIS® 2XS per year. 6) Do not apply within 30 days of harvest (30-day PHI). 			

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Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
<p>Berry, Caneberry Subgroup 13-07A</p> <p>Blackberry Bingleberry Boysenberry Dewberry Raspberry, red and black Wild Raspberry</p> <p>Including all cultivars and/or hybrids of these</p> <p>See below for additional types of caneberries*.</p>	<p>Anthracnose (<i>Spaceloma necator</i>, <i>Elsince veneta</i>)</p> <p>Botryosphaeria Canker (<i>B. dothidea</i>)</p> <p>Leaf and Cane Spot (<i>Septoria rubi</i>)</p> <p>Leaf Spot (<i>Septoria</i> spp.)</p> <p>Powdery Mildew (<i>Sphaerotheca macularis</i>)</p> <p>Rosette or Double Blossom of Blackberries (<i>Cercospora rubi</i>)</p> <p>Rust (<i>Phragmidium violaceum</i>)</p>	<p>14 - 21</p>	<p>AVARIS® 2XS applications should begin prior to disease development and continue throughout the season on a 14-day interval. Make no more than two consecutive sprays before alternating to a non-Group 11 fungicide. Make no more than 3 applications per crop of AVARIS® 2XS or other Group 11 fungicides.</p>
<p>*Other Caneberries in Subgroup: Loganberry, Lowberry, Marionberry, Olallieberry and Youngberry</p>			
<p>Application: AVARIS® 2XS may be applied by ground or by air (minimum of 15 gal/A).</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 63 fl oz/A of AVARIS® 2XS per crop. 2) Do not apply more than 21 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.84 lb ai of a propiconazole-containing product/A/year. 4) Do not apply more than 1.5 lb ai of an azoxystrobin-containing product/A/year. 5) Do not make more than 3 applications of AVARIS® 2XS per year. 6) Do not apply within 30 days of harvest (30-day PHI). 			

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
<p>Bulb Vegetables</p> <p>Dry Bulb Onions Subgroup 3-07A Garlic Onions (dry bulb) Shallots (dry bulb)</p> <p>Green Onions Subgroup 3-07B Leeks Onions (green) Shallots (green)</p> <p>Including all cultivars and/or hybrids of these</p> <p>See below for complete list of bulb vegetables.</p>	<p>Cladosporium Leaf Blotch (<i>C. allii</i>)</p> <p>Purple Blotch (<i>Alternaria porri</i>)</p> <p>Rust (<i>Puccinia allii</i>)</p> <hr/> <p>Botrytis Leaf Blight (<i>B. squamosa</i>)</p> <p>Downy Mildew (<i>Peronospora destructor</i>)</p> <p>White Rot (<i>Sclerotium cepivorum</i>)</p>	<p>14 - 21</p> <hr/> <p>17.5 - 21</p>	<p>Begin applications when conditions favor disease development and continue on a 7- to 10-day interval. Use the higher rate and shorter interval when disease conditions are severe. Make only 1 application before alternating to a non-Group 11 fungicide.</p>
<p>Complete List of Bulb Vegetables: Chive, fresh leaves; chive, Chinese, fresh leaves; daylily, bulb; elegans hosta; fritillaria, bulb; fritillaria, leaves; garlic, bulb; garlic, great-headed, bulb; garlic, serpent, bulb; kurrat; lady's leek; leek; leek, wild; lily, bulb; onion, Beltsville bunching; onion, bulb; onion, Chinese, bulb; onion, fresh; onion, green; onion, macrostem; onion, pearl; onion, potato, bulb; onion, tree, tops; onion, Welsh, tops; shallot, bulb; shallot, fresh leaves; cultivars, varieties, and/or hybrids of these.</p>			
<p>Application: AVARIS® 2XS may be applied by ground (15 gal/A minimum) or aerial application (minimum of 5 gal/A). NOTE: Mixing with products formulated as an EC may result in phytotoxicity.</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 56 fl oz/A/year of AVARIS® 2XS per crop. 2) Do not apply more than 21 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.45 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 1.5 lb ai of azoxystrobin-containing product/A/year. 5) Do not make more than 2 applications at the highest rate (21 fl oz/A) or 4 applications at the lowest rate (14 fl oz/A) of AVARIS® 2XS per year. 6) Do not apply within 14 days of harvest (14-day PHI) on dry bulb onions. 7) AVARIS® 2XS may be applied the day of harvest (0-day PHI) for green onion types. 			
<p>Carrots</p>	<p>Alternaria Leaf Blight (<i>Alternaria dauci</i>)</p> <p>Early Blight (<i>Cercospora carotae</i>)</p> <p>Powdery Mildew (<i>Enysiphe polygoni</i>)</p>	<p>14</p>	<p>Apply AVARIS® 2XS when conditions favor disease development. Continue applications on a 7- to 10-day interval, using the shorter interval when disease conditions are severe. Make no more than one application before alternating to a non-Group 11 fungicide.</p>
<p>Application: AVARIS® 2XS may be applied by ground (minimum of 15 gal/A) or aerial application (minimum of 5 gal/A), or chemigation.</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 56 fl oz/A/year of AVARIS® 2XS. 2) Do not apply more than 14 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.45 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 2.0 lb ai of azoxystrobin-containing product/A/year. 5) Do not make more than 4 applications of AVARIS® 2XS per year. 6) Do not apply within 14 days of harvest (14-day PHI). 			

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
Celery	Early Blight (<i>Cercospora apii</i>) Late Blight (<i>Septoria apiicola</i>)	14	Apply AVARIS® 2XS on a 7- to 10-day schedule in alternation with Tilt or another product with a different mode of action than Group 11 fungicides.
Application: AVARIS® 2XS may be applied by ground, air (5 gal/A minimum) or chemigation.			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 56 fl oz/A/year of AVARIS® 2XS. 2) Do not apply more than 14 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.45 lb of ai propiconazole-containing product/A/year. 4) Do not apply more than 1.5 lb of ai azoxystrobin-containing product/A/year. 5) Do not make more than 4 applications of AVARIS® 2XS per year. 6) Do not apply within 14 days of harvest (14-day PHI). 			
<p>Cereals</p> <p>Wheat</p> <p>See next section for other cereals.</p>	<p>Early season suppression of:</p> <p>Glume Blotch (<i>Stagonospora nodorum</i>) Leaf Blight (<i>Septoria tritici</i>) Powdery Mildew (<i>Blumeria</i> spp., <i>Erysiphe</i> spp.) Tan Spot (<i>Pyrenophora tritici-repentis</i>)</p>	7 - 14	<p>Apply AVARIS® 2XS in the spring for suppression of early season diseases. Follow up with a second application (see below) for full season control.</p> <p>You may see flecking and burning if you mix with fertilizers and herbicides at this timing.</p>
	<p>Control of Leaf Diseases:</p> <p>Glume Blotch (<i>Stagonospora nodorum</i>) Helminthosporium Leaf Blight (<i>Drechslera tritici-repentis</i>) Leaf Blight (<i>Septoria tritici</i>) Powdery Mildew (<i>Blumeria</i> spp., <i>Erysiphe</i> spp.) Rust (<i>Puccinia</i> spp.) Spot Blotch (<i>Bipolaris sorokiniana</i>) Tan Spot (<i>Pyrenophora tritici-repentis</i>)</p>	10.5 - 14	<p>Protecting the flag leaf is important for maximizing the potential yield. Highest yields are normally obtained when AVARIS® 2XS is applied when the flag leaf is 50% to fully emerged.</p> <p>Applications may be made no closer than a 14-day interval. AVARIS® 2XS can be applied through full head emergence (Feekes growth stage 10.5.4). Do not apply after this stage to avoid possible illegal residues.</p>
	Foot Rot/Eyespot (<i>Tapesia</i> spp.)	14	Apply full rate of AVARIS® 2XS plus half the rate specified on other EPA-registered fungicides such as Topsin® M. Apply at tillering but before elongation has occurred.
Application: AVARIS® 2XS is most effective when applied and allowed to dry before a rainfall. For best results, sufficient coverage is very important. Use a higher water volume for aerial application (greater than 2 GPA) if equipment and/or conditions would not provide good coverage. AVARIS® 2XS may be applied by ground, air, or chemigation.			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 28 fl oz/A/year of AVARIS® 2XS. 2) Do not apply more than 14 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.22 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 0.40 lb ai of azoxystrobin-containing product/A/year. 5) Do not make more than 2 applications at the highest rate (14 fl oz/A) or 4 applications at the lowest rate (7 fl oz/A) of AVARIS® 2XS per year. 6) Do not apply within 7 days of harvest (7-day PHI) for forage and hay. 7) Do not apply after Feekes 10.5.4. 8) Under certain environmental conditions, tank mixes of AVARIS® 2XS plus herbicides and/or fertilizers may cause crop injury. 			

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
Cereals Barley Oats Rye Triticale	Early season suppression of: Glume Blotch (<i>Stagonospora nodorum</i>) Leaf Blight (<i>Septoria tritici</i>) Powdery Mildew (<i>Blumeria</i> spp., <i>Erysiphe</i> spp.) Tan Spot (<i>Pyrenophora tritici-repentis</i>)	7 - 14	Apply AVARIS® 2XS in the spring for suppression of early season diseases. Follow up with a second application (see below) for full season control. You may see flecking and burning if you mix with fertilizers and herbicides at this time.
	Control of Leaf Diseases: Barley Scald (<i>Rhynchosporium secalis</i>) Barley Stripe (<i>Pyrenophora graminea</i>) Glume Blotch (<i>Stagonospora nodorum</i>) Helminthosporium Leaf Blight (<i>Drechslera tritici-repentis</i>) Kernel Blight (<i>Alternaria</i> spp.) Leaf Blight (<i>Septoria tritici</i>) Net Blotch (<i>Pyrenophora teres</i>) Powdery Mildew (<i>Blumeria</i> spp., <i>Erysiphe</i> spp.) Rust (<i>Puccinia</i> spp.) Spot Blotch (<i>Bipolaris sorokiniana</i>) Tan Spot (<i>Pyrenophora tritici-repentis</i>)	10.5 - 14	Protecting the flag leaf is important for maximizing the potential yield. Highest yields are normally obtained when AVARIS® 2XS is applied when the flag leaf is 50% to fully emerged. Applications may be made no closer together than a 14-day interval.
	Foot Rot/Eyespot (<i>Tapesia</i> spp.)	14	Apply full rate of AVARIS® 2XS plus half the rate specified on other EPA-registered fungicides such as Topsin M. Apply at tillering but before elongation has occurred.

Application: AVARIS® 2XS is most effective when applied and allowed to dry before a rainfall. For best results, sufficient coverage is very important. Use a higher water volume for aerial application (greater than 2 GPA) if equipment and/or conditions would not provide good coverage. An adjuvant may be added at specified rates to improve canopy coverage and penetration while reducing evaporation and drift. AVARIS® 2XS may be applied by ground, air, or chemigation.

Specific Use Restrictions:

- 1) Do not apply more than 28 fl oz/A/year of AVARIS® 2XS.
- 2) Do not apply more than 14 fl oz/A/application of AVARIS® 2XS.
- 3) Do not apply more than 0.22 lb ai of propiconazole-containing product/A/year.
- 4) Do not apply more than 0.40 lb ai of azoxystrobin-containing product/A/year.
- 5) Do not make more than 2 applications at the highest rate (14 fl oz/A) or 4 applications at the lowest rate (7 fl oz/A) of AVARIS® 2XS per year.
- 6) Do not apply within 7 days of harvest (7-day PHI) for forage and hay.
- 7) Do not apply after Feekes 10.5.4.
- 8) Under certain environmental conditions, tank mixes of AVARIS® 2XS plus herbicides and/or fertilizers may cause crop injury.

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
Corn Field Pop (Includes Seed Production)	Anthracnose Leaf Blight (<i>Colletotrichum graminicola</i>) Eye Spot (<i>Aureobasidium zeae</i>) Gray Leaf Spot (<i>Cercospora zeae-maydis</i>) Northern Corn Leaf Blight (<i>Setosphaeria turcica</i>) Northern Corn Leaf Spot (<i>Cochliobolus carbonum</i>) Physoderma Brown Spot (<i>Physoderma maydis</i>) Rusts (<i>Puccinia</i> spp.) Southern Corn Leaf Blight (<i>Cochliobolus heterostrophus</i>) also known as Helminthosporium Leaf Blights (<i>H. maydis</i> , <i>H. turcicum</i> , <i>H. carbonum</i>) Suppression of: Diplodia Ear Rot (<i>D. maydis</i>)	10.5	Early application (V4-V8): An early application (V4-V8) of AVARIS® 2XS may be applied for early season disease control and plant performance benefits. If mixing with herbicides other than solo glyphosate products, Callisto® or Callisto Xtra, consult your local Helena Agri-Enterprises, LLC representative.
		10.5 - 14	Later season applications: For gray leaf spot, rusts, anthracnose, and eye spot, apply 10.5-14 fl oz/A AVARIS® 2XS when disease first appears. If conditions favorable for disease persist, continue to apply on a 14-day schedule. For leaf blights apply 10.5-14 fl oz AVARIS® 2XS when disease first appears. Continue on a 7- to 14-day schedule. Use the low rate when disease pressure is low. Under heavy disease pressure or if conditions are favorable for disease, apply the high rate. Do not use adjuvants or other additives after the V8 growth stage and prior to the VT growth stage, as use during these development times may impose stress on the plant that could inhibit proper kernel development. VT is defined as when the last branch of the tassel is completely visible, but silks have not yet emerged from the ear shoot. Apply no more than 2 applications of AVARIS® 2XS or any other Group 11 fungicide per year. Use of an adjuvant such as COC may provide additional disease control.
Application: For best results, sufficient coverage is very important. For ULV aerial applications DO NOT use less than 1.0 GPA. Not for ULV use in California. Use a higher water volume for aerial application if equipment and/or conditions will not provide good coverage. AVARIS® 2XS may be applied by ground, air (Not for ULV use in California), or chemigation.			
Specific Use Restrictions: 1) Do not apply more than 38.5 fl oz/A/year of AVARIS® 2XS . 2) Do not apply more than 14 fl oz/A/application of AVARIS® 2XS . 3) Do not apply more than 28 fl oz/A/year (0.224 lb ai propiconazole) for field corn harvested for forage. 4) Do not apply more than 0.45 lb ai of propiconazole-containing product/A/year. 5) Do not apply more than 2.0 lb ai of azoxystrobin-containing product/A/year. 6) Do not make more than 2 applications at the highest rate (14 fl oz/A) or 3 applications at the lowest rate (10.5 fl oz/A) of AVARIS® 2XS per year. 7) Do not apply within 30 days of harvest (30-day PHI) for forage, grain, or stover.			

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
Corn Sweet corn (Includes Seed Production)	Anthracnose Leaf Blight (<i>Colletotrichum graminicola</i>) Eye Spot (<i>Aureobasidium zeae</i>) Gray Leaf Spot (<i>Cercospora zeae-maydis</i>) Northern Corn Leaf Blight (<i>Setosphaeria turcica</i>) Northern Corn Leaf Spot (<i>Cochliobolus carbonum</i>) Rusts (<i>Puccinia</i> spp.) Southern Corn Leaf Blight (<i>Cochliobolus heterostrophus</i>)	10.5 - 14	Apply AVARIS® 2XS when disease first appears. If conditions favorable for disease persist, continue to apply on a 14-day schedule. For leaf blights apply AVARIS® 2XS when disease first appears. Continue on a 7- to 14-day schedule. Use the low rate when disease pressure is low. Under heavy disease pressure or if conditions are favorable for disease, apply the high rate. Alternate applications of AVARIS® 2XS with Tilt or another product with a different mode of action than Group 11 fungicides.
<p>Application: For best results, sufficient coverage is very important. Use of a crop oil concentrate is recommended for aerial applications to reduce evaporation and enhance canopy penetration and coverage. Consult your aerial applicator for recommended concentration of crop oil concentrate. DO NOT use less than 1.0 GPA for the ULV applications. Not for ULV use in California. Use higher water volumes for aerial applications if equipment and/or conditions will not provide good coverage. AVARIS® 2XS may be applied by ground, air (Not for ULV use in California), or chemigation.</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 56 fl oz/A/year of AVARIS® 2XS. 2) Do not apply more than 14 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.45 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 2.0 lb ai of azoxystrobin-containing product/A/year. 5) Do not make more than 4 applications at the highest rate (14 fl oz/A) or 5 applications at the lowest rate (10.5 fl oz/A) of AVARIS® 2XS per year. 6) Do not apply to sweet corn within 14 days of harvest (14-day PHI) for ears or forage. 			
Cranberries	Cottonball (<i>Monilinia oxycocci</i>) Fruit Rots (<i>Phylospora vaccinii</i>) (<i>Glomerella cingulata</i>) (<i>Coleophoma empetri</i>) Lophodermium Twig Blight (<i>Lophodermium</i> spp.)	14 - 21	Make the first application at leaf bud break and repeat in 14 days. Additional applications should be made at early bloom. Make no more than 2 consecutive sprays before alternating to a non-Group 11 fungicide. For resistance management, make no more than 3 sprays per season using any Group 11 (QoI containing) fungicide. Under severe pressure, use the higher rate for control.
<p>Application: AVARIS® 2XS may be applied by ground (minimum of 10 gal/A) or aerial application (minimum of 20 gal/A).</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) For use only in Oregon, Washington, and Wisconsin. 2) Do not apply more than 63 fl oz/A/year of AVARIS® 2XS. 3) Do not apply more than 21 fl oz/A/application of AVARIS® 2XS. 4) Do not apply more than 0.67 lb ai of propiconazole-containing product/A/year. 5) Do not apply more than 1.5 lb ai of azoxystrobin-containing product/A/year. 6) Do not make more than 3 applications of AVARIS® 2XS per year. 7) Do not apply within 45 days of harvest (45-day PHI). 8) Do not allow release of irrigation or flood water to non-target aquatic habitat for at least 14 days after the last application. 9) Do not use cranberry fields used for aquaculture of fish and crustaceans. 10) Do not apply when weather conditions favor drift from treated areas to non-target aquatic habitat. Applicators should use care in making applications near non-target aquatic habitats. 11) Do not apply to flooded crop. 			

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
Filberts	Eastern Filbert Blight (<i>Anisogramma anomala</i>)	14 - 21	<p>Begin applications when green leaf tissue becomes visible and continue on a 2- to 3-week interval. Under severe disease conditions, use the higher rate and shorter interval. Apply no more than 2 sequential applications before alternating to a non-Group 11 fungicide.</p> <p>NOTE: On certain varieties, AVARIS® 2XS applications may cause smaller and/or greener leaves. Yields of filberts displaying these characteristics have not been reduced due to AVARIS® 2XS treatments.</p>
<p>Application: AVARIS® 2XS may be applied by ground or aerial application (minimum of 15 gal/A).</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 112 fl oz/A/year of AVARIS® 2XS. 2) Do not apply more than 21 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.9 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 1.2 lb ai of azoxystrobin-containing product/A/year. 5) Do not make more than 5 applications at the highest rate (21 fl oz/A) or 8 applications at the lowest rate (14 fl oz/A) of AVARIS® 2XS per year. 6) Do not apply within 60 days of harvest (60-day PHI). 7) Do not graze livestock in treated areas or cut treated cover crop for feed. 			
Grasses grown for seed (Cool season grasses only)	Ergot Stem Diseases Powdery Mildew (<i>Erysiphe graminis</i>) Rusts (<i>Puccinia</i> spp.)	14 - 26	<p>Apply AVARIS® 2XS when powdery mildew infections, and/or rust pustules are noticeable and increasing in number in late spring or early summer. To maximize control of severe rust pressure, apply 26 fl oz/A (except bluegrass apply 14 fl oz/A) and make applications at 14-day intervals until the seed is mature. For bluegrass, it is important to begin application early in the growing season.</p> <p>Make no more than 2 sequential applications of a Group 11 fungicide before alternating to another product with a different mode of action than Group 11 fungicides.</p>
<p>Application: AVARIS® 2XS is most effective when applied and allowed to dry before a rainfall. For best results, sufficient coverage is very important. Apply AVARIS® 2XS in a minimum of 20 gal of water per acre for ground or in a minimum of 10 gal of water per acre for aerial. AVARIS® 2XS may be applied by ground, air, or chemigation.</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) For use only in Idaho, Minnesota, Nebraska, Oregon, and Washington. 2) Do not apply more than 86 fl oz/A/year of AVARIS® 2XS. 3) Do not apply more than 26 fl oz/A/application of AVARIS® 2XS. 4) Do not apply more than 0.9 lb ai propiconazole-containing product/A/year. 5) Do not apply more than 0.8 lb ai azoxystrobin-containing product/A/year. 6) Do not make more than 3 applications at the highest rate (26 fl oz/A) or 6 applications at the lowest rate (14 fl oz/A) of AVARIS® 2XS per year. 7) Do not apply within 20 days of harvest (20-day PHI) of seed. 8) Do not feed hay cut within 20 days of the last application. 9) Do not graze treated areas within 140 days of the last application. 10) Do not apply to bermudagrass grown for seed. 			

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
Mint Peppermint Spearmint	Powdery Mildew (<i>Erysiphe</i> spp.) Rust (<i>Puccinia menthae</i>)	10.5 - 14	Begin applications when the plants are 2-4 inches high or when conditions become favorable for disease development. Make a second application 14 days after the first application.
Application: AVARIS® 2XS may be applied by aerial, ground (minimum of 20 gal/A) or chemigation.			
Specific Use Restrictions: 1) Do not apply more than 42 fl oz/A/year of AVARIS® 2XS . 2) Do not apply more than 14 fl oz/A/application of AVARIS® 2XS . 3) Do not apply more than 0.338 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 0.75 lb ai of azoxystrobin-containing product/A/year. 5) Do not make more than 3 applications at the highest rate (14 fl oz/A) or 4 applications at the lowest rate (10.5 fl oz/A) of AVARIS® 2XS per year. 6) Do not apply within 7 days of harvest (7-day PHI).			
Peanuts (Not for use in California)	Early Leaf Spot (<i>Cercospora arachidicola</i>) Late Leaf Spot (<i>Cercosporidium personatum</i>) Rust (<i>Puccinia arachidis</i>) Web Blotch (<i>Phoma arachidicola</i>)	10.5 - 14	Apply AVARIS® 2XS beginning 35 to 40 days after planting or at the first appearance of disease. Continue applications on a 14-day schedule. Under heavy disease pressure use higher specified application rates. AVARIS® 2XS also may be used in State Agricultural Extension advisory (disease forecasting) programs which recommend application timing based on environmental factors favorable for disease development. Make no more than two sequential applications of a Group 11 fungicide before alternating to another product with a different mode of action than Group 11 fungicides.
	Soil-Borne Diseases - mid-late season Rhizoctonia Peg and Pod Rot (<i>R. solani</i>) Stem Rot/White Mold/ Southern Blight (<i>Sclerotium rolfsii</i>) Suppression only: Cylindrocladium Black Rot (<i>C. crotalariae</i>) Pythium Pod Rot (<i>P. myriotylum</i>)	21 - 28	Apply AVARIS® 2XS at approximately 60 and 90 days after planting as a foliar application. This application regime may be applied earlier in the season if environmental conditions favor disease development. This application will provide protection against soil-borne diseases and will also provide control of the foliar diseases listed for a 10- to 14-day period after each spray. Under heavy pressure and/or heavy rainfall or irrigation, use 28 fl oz of AVARIS® 2XS per acre. Under lighter pressure and dry conditions (non-irrigated, low rainfall), use 21-28 fl oz of AVARIS® 2XS per acre.

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
<p>Peanuts (cont.) (Not for use in California)</p>	<p>Soil-Borne Diseases - mid-late season Rhizoctonia Peg and Pod Rot (<i>R. solani</i>) Stem Rot/White Mold/ Southern Blight (<i>Sclerotium rolfsii</i>) Suppression only: Cylindrocladium Black Rot (<i>C. crothalariae</i>) Pythium Pod Rot (<i>P. myriotylum</i>)</p>	<p>14 - 28 plus Abound® in tank mix</p>	<p>Tank-mix option: Apply 14 fl oz/A of AVARIS® 2XS in a tank mix with Quadris® or other fungicides for control of soil-borne diseases. A minimum of 0.15 lb ai/A azoxystrobin should be in the tank mix (see AVARIS® 2XS rate conversion table below). Do not exceed 0.4 lb of azoxystrobin/A/ application.</p> <p>Apply AVARIS® 2XS plus Abound at approximately 60 and 90 days after planting as a foliar application. This application regime may be applied earlier in the season if environmental conditions favor disease development. This application will provide protection against soil-borne diseases and will also provide control of the foliar diseases listed for a 10- to 14-day period after each spray.</p> <p>Under heavy pressure and/or heavy rainfall or irrigation, there should be 0.3-0.4 lb ai of azoxystrobin in the tank.</p> <p>Under lighter pressure and dry conditions (non-irrigated, low rainfall), 0.2-0.4 lb ai of azoxystrobin can be used.</p>
<p>Application: When applying AVARIS® 2XS via irrigation or as a directed ground application, additional methods should be employed for leaf spot control. AVARIS® 2XS may be applied by ground, air or chemigation.</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 56 fl oz/A/year of AVARIS® 2XS. 2) Do not apply more than 28 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.45 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 0.80 lb ai of azoxystrobin-containing product/A/year. 5) Do not make more than 2 applications at the highest rate (28 fl oz/A) or 4 applications at the lowest rate (14 fl oz/A) of AVARIS® 2XS per year. 6) Do not apply within 14 days of harvest (14-day PHI) when using a maximum rate of 14 fl oz/A. 7) Do not apply within 21 days of harvest (21-day PHI) when using rates above 14 fl oz/A and do not feed hay from treated fields to livestock if using rates higher than 14 fl oz/A. 			

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
Pecans	Anthracnose (<i>Glomerella cingulata</i>) Downy Spot (<i>Mycosphaerella caryigena</i>) Liver Spot (<i>Gnomonia caryae pv pecanae</i>) Pecan Scab (<i>Cladosporium caryigenum</i>) Powdery Mildew (<i>Microsphaera penicillata</i>) Vein Spot (<i>Gnomonia nerviseda</i>) Zonate Leaf Spot (<i>Cristulariella moricola</i>)	14 - 21	Pecan scab: Apply 14-21 fl oz/A AVARIS® 2XS on a 14-day schedule during bud break and pre-pollination sprays. Apply 20-21 fl oz/A during nut formation and cover sprays. Use higher rates when disease pressure is heavier. Do not apply after shuck split. Other foliar diseases: AVARIS® 2XS may be applied for control of mid to late season foliar diseases at 14-20.5 fl oz/A with other pecan products labeled for these diseases. Observe all directions, precautions, and limitations for the other products. Make no more than two sequential applications of a Group 11 fungicide before alternating to another product with a different mode of action than Group 11 fungicides. Use of an adjuvant such as COC may provide additional disease control.
Application: Ground applications should be applied in sufficient water to provide for full coverage. AVARIS® 2XS may be applied by ground or air (minimum of 20 gal/A).			
Specific Use Restrictions: 1) Do not apply more than 105 fl oz/A/year of AVARIS® 2XS . 2) Do not apply more than 21 fl oz/A/application of AVARIS® 2XS . 3) Do not apply more than 0.9 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 1.2 lb ai of azoxystrobin-containing product/A/year. 5) Do not make more than 5 applications at the highest rate (21 fl oz/A) or 7 applications at the lowest rate (14 fl oz/A) of AVARIS® 2XS per year. 6) Do not apply after shuck split or within 45 days of harvest (45-day PHI), whichever is first. 7) Do not graze livestock in treated areas or cut treated cover crops for feed.			
Pistachios	Alternaria Late Blight (<i>A. alternata</i>) Botryosphaeria Panicle and Shoot Blight (<i>B. dothidea</i>) Septoria Leaf Spot (<i>S. pistaciarum</i>)	17.5 - 21	Begin applications when green leaf tissue becomes visible and continue on a 14- to 21-day interval. Under severe disease conditions, use the higher rate and the shorter interval. Make no more than 2 consecutive applications of AVARIS® 2XS before alternating to another non-Group 11 fungicide.
Application: AVARIS® 2XS may be applied by ground or aerial application (15 gal/A minimum).			
Specific Use Restrictions: 1) Do not apply more than 105 fl oz/A/year of AVARIS® 2XS . 2) Do not apply more than 21 fl oz/A/application of AVARIS® 2XS . 3) Do not apply more than 0.9 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 1.5 lb ai of azoxystrobin-containing product/A/year. 5) Do not make more than 5 applications of the maximum application rate (21 fl oz/A) or 6 applications of the lowest application rate (17.5 fl oz/A) of AVARIS® 2XS per year. 6) Do not apply within 60 days of harvest (60-day PHI). 7) Do not graze livestock in treated areas or cut treated cover crop for feed.			

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
<p>Rice Including Wild Rice</p>	<p>Aggregate Sheath Spot (<i>Rhizoctonia oryzae-sativa</i>) Black Sheath Rot (<i>Gaeumannomyces graminis</i>) Brown Leaf Spot (<i>Helminthosporium oryzae</i>) Kernel Smut (<i>Tilletia barclayana</i>) Leaf Blast (<i>Pyricularia grisea</i>) Leaf Smut (<i>Entyloma oryzae</i>) Narrow Brown Leaf Spot (<i>Cercospora oryzae</i>) Panicle Blast (<i>P. grisea</i>) Sheath Blight (<i>Rhizoctonia solani</i>) Sheath Spot (<i>Rhizoctonia oryzae</i>) Stem Rot (<i>Sclerotium oryzae</i>)</p> <p>For disease suppression of: False Smut (<i>Ustilaginoidea virens</i>)</p>	<p>14 - 27</p>	<p>Timing of AVARIS® 2XS application will depend on disease severity, disease complex and rice variety/growth stage. Consult local extension experts for local economic thresholds established for various rice varieties and diseases.</p> <p>Leaf blast: AVARIS® 2XS must be applied for preventive control. Apply 21-27 fl oz/A.</p> <p>Panicle blast: Apply AVARIS® 2XS at 10% head emergence with an additional application of Quadris at 90% emergence. Refer to the Quadris label for rates and timing.</p> <p>All other leaf/stem diseases: Apply 15.75-27 fl oz/A at initial sign of disease. Apply higher rates when disease pressure is heavy and/ or when environmental conditions are highly favorable for disease development. A second application may be made 14 days later.</p> <p>Tank mix option: Apply 15.75-20.5 fl oz/A of AVARIS® 2XS in a tank mix with Quadris or other fungicides for control of rice diseases. A minimum of 0.15 lb ai/A azoxystrobin should be in the tank mix (see AVARIS® 2XS rate conversion table below). Do not exceed 0.3 lb of azoxystrobin/A/application to rice or 0.25 lb of azoxystrobin/A/application to wild rice.</p> <p>The lower rate of 14 fl oz/A may only be used for hybrids or varieties with at least moderate resistance to sheath blight. Apply from late boot to boot split for control of diseases (except leaf blast and false smut) of rice (including wild rice). When applying prior to late boot or after boot split growth stages, use the higher rates listed above.</p> <p>Make no more than 2 applications of a Group 11 (QoI) fungicide per year.</p>
<p>Application: For aerial application, volumes should be 5-10 GPA. An adjuvant may be added at specified rates to improve canopy coverage and penetration while reducing evaporation and drift.</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 42 fl oz/A/year of AVARIS® 2XS. 2) Do not apply more than 27 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.34 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 0.70 lb ai of azoxystrobin-containing product/A/year. 5) Do not make more than 1 application at the highest rate (27 fl oz/A) or 2 applications at the lowest rate (14 fl oz/A) of AVARIS® 2XS per year. 6) Do not apply within 35 days of harvest (35-day PHI). 7) Do not release floodwater within 14 days of an application. 8) Do not apply to stubble or ratoon crop rice. 9) Do not use in rice fields where commercial farming of crayfish will be practiced. 10) Do not drain water from treated rice fields into ponds used for commercial fish farming. 11) Do not use water drained from treated fields to irrigate other crops. 			

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Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
Sorghum	Anthracnose <i>(Colletotrichum graminicola)</i> Ergot <i>(Claviceps sorghi)</i> Gray Leaf Spot <i>(Cercospora sorghi)</i> Ladder Leaf Spot <i>(Cercospora fusimaculans)</i> Leaf Blight <i>(Exserohilum turcicum)</i> Zonate Leaf Spot <i>(Gloeocercospora sorghi)</i>	10.5 - 14	For ergot control, make the first application at or just prior to flowering. Repeat on a 5- to 7-day interval. For other diseases, apply at first sign of disease. Apply on a 14-day interval.
Application: AVARIS® 2XS may be applied by ground or aerial application.			
Specific Use Restrictions: 1) Do not apply more than 56 fl oz/A/year of AVARIS® 2XS . 2) Do not apply more than 28 fl oz (0.22 lb ai propiconazole) on sorghum harvested for forage. 3) Do not apply more than 14 fl oz/A/application of AVARIS® 2XS . 4) Do not apply more than 0.45 lb ai of propiconazole-containing products/A/year. 5) Do not apply more than 0.75 lb/A/year of azoxystrobin-containing products to sorghum grown for grain and/or stover. 6) Do not apply more than 0.5 lb/A/year of azoxystrobin-containing products to sorghum grown for forage. 7) Do not make more than 4 applications at the highest rate (14 fl oz/A) or 5 applications at the lowest rate (10.5 fl oz/A) of AVARIS® 2XS per year. 8) Do not apply within 30 days of harvest (30-day PHI) for forage. 9) Do not apply within 21 days of harvest (21-day PHI) for grain or stover. 10) Do not graze livestock or cut for green chop or silage within 30 days of application.			

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
Soybeans	Aerial Web Blight <i>(Rhizoctonia solani)</i> Alternaria Leaf Spot <i>(Alternaria spp.)</i> Anthracnose <i>(Colletotrichum truncatum)</i> Brown Spot <i>(Septoria glycines)</i> Cercospora Blight and Leaf Spot <i>(C. kikuchii)</i> Frogeye Leaf Spot <i>(Cercospora sojina)</i> Pod and Stem Blight <i>(Diaporthe spp.)</i> Soybean Rust <i>(Phakopsora pachyrhizi)</i>	10.5 - 21	<p>Foliar diseases (except rust): Apply 14-21 fl oz/A at growth stage R3 (early pod set) when pods are 1/8-1/4 inch long) and 14-21 days later at growth stage R5 (pod fill). AVARIS® 2XS may be applied earlier should conditions be conducive for disease.</p> <p>Soybean Rust: Apply 14-21 fl oz/A at first indication that disease is in the area. For best control, preventive applications work best. Repeat on a 14- to 21-day interval. Use higher rate and shorter interval when diseases are present in the field and incidence is less than 2% (2 plants in 100 are infected). If incidence is greater than this or if disease is in mid-canopy, control will not be acceptable. Scouting for the disease and/or being aware of the proximity of the disease via monitoring systems will aid in the proper timing to maximize the effectiveness of the fungicide applications.</p> <p>On certain varieties, AVARIS® 2XS applications may cause crinkled, smaller and/or greener leaves. Yields of beans displaying these characteristics have not been reduced due to AVARIS® 2XS treatments.</p>
<p>Application: AVARIS® 2XS is most effective when applied and allowed to dry before a rainfall. For best results, sufficient coverage is very important. DO NOT use less than 2.0 GPA. Use a higher water volume for aerial application if equipment and/or conditions will not provide for good coverage. AVARIS® 2XS may be applied by ground, air, or chemigation.</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 42 fl oz/A/year of AVARIS® 2XS. 2) Do not apply more than 21 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.34 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 1.5 lb ai of azoxystrobin-containing product/A/year. 5) Do not make more than 2 applications at the highest application rate (21 fl oz/A) or 4 applications per year at the lowest rate (10.5 fl oz/A) of AVARIS® 2XS per year. 6) Apply up to Stage R6. 			

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
<p>Stone Fruits Crop Group 12-12</p> <p>Apricot Cherry, sweet Cherry, tart Nectarine Peach Plum Plumcot Prune</p> <p>Including all cultivars and hybrids of these</p>	<p>Alternaria Spot and Fruit Rot (<i>A. alternata</i>) Anthracnose (<i>Colletotrichum prunicola</i>) Brown Rot Blossom Blight (<i>Monilinia</i> spp.) Brown Rot on Fruit (<i>Monilinia</i> spp.) Cherry Leaf Spot (<i>Blumeriella jaapii</i>) Powdery Mildew (<i>Podosphaera clandestina</i>, <i>Sphaerotheca pannosa</i>) Rust (<i>Tranzschelia discolor</i>) Scab (<i>Cladosporium carpophilum</i>) Shothole (<i>Wilsonomyces carpophilus</i>)</p>	<p>14</p>	<p>For brown rot blossom blight, apply AVARIS® 2XS at early bloom stage. If disease pressure is low, a second application of 14 fl oz/A may be made as needed through petal fall. Under conditions of high disease pressure and/or very susceptible varieties, applications may be needed at 50-75% bloom and petal fall. Apply no more than 2 sequential applications before switching to a non-Group 11 fungicide.</p> <p>For brown rot on fruit, apply as needed, a maximum of 2 sprays of AVARIS® 2XS, during the preharvest period up to the day of harvest. Make the two applications no closer than 10 days apart.</p> <p>For powdery mildew, rust, and cherry leaf spot, follow the blossom blight schedule. Make up to 2 additional applications on a 10- to 14-day interval from the end of petal fall to harvest.</p> <p>For scab, begin applications at petal fall and continue on a 7- to 14-day interval.</p> <p>For other diseases, begin applications at onset of disease and continue on a 10- to 14-day interval.</p> <p>Make no more than 2 sequential applications of a Group 11 fungicide prior to alternating with another product with a different mode of action than Group 11 fungicides.</p>
<p>Application: Stone fruit diseases are more effectively controlled by ground application, using sufficient water volume to provide thorough and uniform coverage. Aerial application (minimum of 15 gal/A) may be used if necessary but disease control may be reduced.</p> <p>Applications of AVARIS® 2XS during bloom to Stanley plums have occasionally caused fruit to be less oval in shape and smaller in size at harvest. To avoid this, do not apply AVARIS® 2XS to Stanley plums earlier than 21 days prior to harvest.</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 70 fl oz/A/year of AVARIS® 2XS. 2) Do not apply more than 14 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.56 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 1.5 lb ai of azoxystrobin-containing product/A/year. 5) Do not make more than 5 applications of AVARIS® 2XS per year. 6) AVARIS® 2XS may be applied the day of harvest (0-day PHI). 			

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
<p>Strawberries and Low-Growing Berry Subgroup 13-07G (except cranberry)</p> <p>Bearberry Bilberry Cloudberry Muntries Partridgeberry</p> <p>Including all cultivars and/or hybrids of these</p>	<p>Anthracnose (<i>Colletotrichum</i> spp.) Leaf Rust (<i>Phragmidium potentillae</i>) Leaf Spot (<i>Cercospora fragariae</i>) Powdery Mildew (<i>Sphaerotheca macularis</i>)</p>	<p>14</p>	<p>Begin applications prior to disease development. Repeat on a 10- to 14-day interval. Do not make more than two consecutive applications before switching to a non-Group 11 fungicide. Make no more than 4 applications per year of AVARIS® 2XS or other QoI-containing product.</p>
<p>Application: AVARIS® 2XS may be applied by ground (20 gal/A minimum) or aerial application (15 gal/A minimum).</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 56 fl oz/A/year of AVARIS® 2XS. 2) Do not apply more than 14 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.45 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 1.0 lb ai of azoxystrobin-containing product/A/year. 5) Do not make more than 4 applications of AVARIS® 2XS per year. 6) AVARIS® 2XS may be applied the day of harvest (0-day PHI). 			
<p>Sugar Beets (Not for use in California)</p>	<p>Cercospora Leaf Spot (<i>C. beticola</i>) Powdery Mildew (<i>Erysiphe polygoni</i>)</p>	<p>14</p>	<p>Begin applications preventively or on a forecast system. For powdery mildew, apply at first sign of disease.</p> <p>Apply AVARIS® 2XS on a 10- to 21-day schedule. Make only one AVARIS® 2XS spray then alternate to a non-triazole fungicide (non-Group 3) that is registered on sugar beets for these diseases. If disease pressure is high, use the highest rate and shortest interval.</p>
	<p>Rhizoctonia Crown Rot (<i>R. solani</i>)</p>		<p>For Rhizoctonia crown rot, apply 14 oz. in a 7-inch band over the row at the 4- to 8-leaf stage.</p>
<p>Application: For best results, sufficient water volume must be used to provide thorough coverage. A minimum of 15 gal/A for ground applications is recommended. For aerial applications a minimum of 5 gal/A of water is recommended. For chemigation, apply in 0.1-0.25 inches/A of water. Chemigation with excessive water may lead to a decrease in efficacy. AVARIS® 2XS may be applied by ground, chemigation, or aerial application.</p>			
<p>Specific Use Restrictions:</p> <ol style="list-style-type: none"> 1) Do not apply more than 42 fl oz/A/year of AVARIS® 2XS. 2) Do not apply more than 14 fl oz/A/application of AVARIS® 2XS. 3) Do not apply more than 0.34 lb ai of propiconazole-containing product/A/year. 4) Do not apply more than 2.0 lb ai of azoxystrobin-containing product/A/year. 5) Do not make more than 3 applications of AVARIS® 2XS per year. 6) Do not apply within 21 days of harvest (21-day PHI). 			

Crop	Target Diseases	Use Rate fl oz product/A	Application Instructions
Sugarcane	Brown Rust (<i>Puccinia melanocephala</i>) Orange Rust (<i>Puccinia kuehni</i>)	16 - 21	Begin applications prior to rust development and continue throughout the season every 14-28 days following resistance management guidelines. Scout fields and begin applications at the earliest sign of rust. Applications may be made by ground, air or chemigation.

Specific Use Restrictions:

- 1) Do not apply more than 84 fl oz/A/year of **AVARIS® 2XS**.
- 2) Do not apply more than 21 fl oz/A/application of **AVARIS® 2XS**.
- 3) Do not apply more than 0.67 lb ai of propiconazole-containing product/A/year.
- 4) Do not apply more than 0.80 lb ai of azoxystrobin-containing product/A/year.
- 5) Do not make more than 4 applications at the highest rate (21 fl oz/A) or 5 applications at the lowest rate (16 fl oz/A) of **AVARIS® 2XS** per year.
- 6) Do not apply within 30 days of harvest (30-day PHI).

Tree Nuts Crop Group 14-12 See list below for tree nuts See specific directions for Almond Filbert Pecan Pistachios	Foliar Diseases	14 - 21	Apply AVARIS® 2XS at first sign of disease. Repeat on a 7- to 14-day interval. Do not make more than two consecutive applications before switching to a non-Group 11 fungicide. Make no more than 4 applications of AVARIS® 2XS or other QoI containing product per year.
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Additional tree nuts: Almond (see specific directions), Beechnut, Brazil Nut, Butternut, Cashew, Chestnut, Chinquapin, Filbert (see specific directions), Hickory, Macadamia, Pecan (see specific directions), Pistachios (see specific directions), Walnut.

Application: For best control of tree nut diseases, ground applications are recommended. **AVARIS® 2XS** may be applied by ground or aerial application (15 gal/A minimum).

Specific Use Restrictions:

- 1) Do not apply more than 84 fl oz/A/year of **AVARIS® 2XS**.
- 2) Do not apply more than 21 fl oz/A/application of **AVARIS® 2XS**.
- 3) Do not apply more than 0.9 lb ai of propiconazole-containing product/A/year.
- 4) Do not apply more than 1.2 lb ai of azoxystrobin-containing product/A/year.
- 5) Do not make more than 4 applications of **AVARIS® 2XS** per year.
- 6) Do not apply within 60 days of harvest (60-day PHI) except for pecan (see specific use directions).
- 7) Do not graze livestock in treated areas or cut treated cover crop for feed.

AVARIS® 2XS Rate Conversion Table

Fl Oz Product/A	Lb ai Azoxystrobin	Lb ai Propiconazole
3	0.028	0.024
4	0.037	0.032
7	0.056	0.06
10.5	0.10	0.08
14.0	0.13	0.11
15.75	0.15	0.125
17.5	0.16	0.14
21	0.19	0.17
26	0.24	0.21
27	0.25	0.22
28	0.26	0.22

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

STORAGE

Store in original container only. Store in a cool, dry and well-ventilated place. Protect from excessive heat. Keep container closed when not in use. Do not store near food or feed.

PESTICIDE DISPOSAL

Pesticide wastes may be toxic. Improper disposal of unused pesticide, spray mixture, or rinse water is a violation of Federal law. If these wastes cannot be used according to label instructions, contact your state pesticide or environmental control agency, or the hazardous waste representative at the nearest EPA regional office for guidance in proper disposal methods.

CONTAINER HANDLING (equal to or less than 5 gallons)

Non-refillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¹/₄ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures approved by state and local authorities.

CONTAINER HANDLING (greater than 5 gallons)

Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the person refilling. To clean container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

CONTAINER HANDLING (greater than 5 gallons)

Non-refillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¹/₄ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures approved by state and local authorities.

CONTAINER IS NOT SAFE FOR FOOD, FEED, OR DRINKING WATER.

Abound®, Callisto®, Quadris®, and Tilt® are Trademarks of a Syngenta Group Company

Topsin® is a registered trademark of UPL NA, Inc.

AVARIS® 2XS is a trademark of Helena Holding Company.

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For non-emergency (e.g., current product information), call
Helena Agri-Enterprises, LLC at 1-901-761-0050

MANUFACTURED FOR

HELENA AGRI-ENTERPRISES, LLC
225 SCHILLING BOULEVARD, SUITE 300
COLLIERSVILLE, TN 38017

**SCPSR-HEL-1324C-L1F 0122
4160755**

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NOTES

NOTES

NOTES

PROPICONAZOLE	GROUP 3	FUNGICIDE
AZOXYSTROBIN	GROUP 11	FUNGICIDE



AVARIS
2XS

Broad-spectrum fungicide for control of plant diseases

ACTIVE INGREDIENTS:

Azoxystrobin*	13.5%
Propiconazole**	11.7%
OTHER INGREDIENTS:	74.8%
TOTAL:	100.0%

*CAS No. 131860-33-8 **CAS No. 60207-90-1

AVARIS® 2XS is formulated as a suspo-emulsion (SE) and contains 1.02 lb of azoxystrobin and 1.18 lb of propiconazole per gallon.



**KEEP OUT OF REACH OF CHILDREN
WARNING/AVISO**

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

SEE ADDITIONAL PRECAUTIONARY STATEMENTS AND DIRECTIONS FOR USE INSIDE BOOKLET.

See First Aid statement inside booklet or on container label.

FIRST AID

If in eyes: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing. Call a poison control center or doctor for treatment advice.

If swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to by a poison control center or doctor. Do not give anything to an unconscious person.

If on skin: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

If inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice.

Have the product container or label with you when calling a poison control center or doctor or going for treatment.

HOTLINE NUMBER: For 24-Hour Medical Emergency Assistance (Human or Animal) Or Chemical Emergency Assistance (Spill, Leak, Fire or Accident) Call **1-800-424-9300**.

AVARIS® 2XS is a trademark of Helena Holding Company

NET CONTENTS: 2.5 GALLONS

**PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals**

WARNING/AVISO

Causes substantial but temporary eye injury. Harmful if swallowed. Do not get in eyes or on clothing. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

Azoxystrobin can be persistent for several months or longer. Azoxystrobin has degradation products which have properties similar to chemicals which are known to leach through soil to ground water under certain conditions as a result of agricultural use. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow may result in ground water contamination.

Azoxystrobin and propiconazole are toxic to freshwater and estuarine/marine fish; and azoxystrobin is toxic to aquatic invertebrates. Propiconazole is toxic to shrimp. Do not apply directly to water except as specified on this label. For terrestrial uses, do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwater or rinsate.

Notify state and/or federal authorities and Helena immediately if you observe any adverse environmental effects due to use of this product.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. Refer to supplemental labeling under "Agricultural Use Requirements" in the Directions for Use section for information about this standard.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

STORAGE

Store in original container only. Store in a cool, dry and well-ventilated place. Protect from excessive heat. Keep container closed when not in use. Do not store near food or feed.

PESTICIDE DISPOSAL

Pesticide wastes may be toxic. Improper disposal of unused pesticide, spray mixture, or rinse water is a violation of federal law. If these wastes cannot be used according to label instructions, contact your state pesticide or environmental control agency, or the hazardous waste representative at the nearest EPA regional office for guidance in proper disposal methods.

CONTAINER HANDLING

Non-refillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures approved by state and local authorities.

CONTAINER IS NOT SAFE FOR FOOD, FEED, OR DRINKING WATER.

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EPA Reg. No. 100-1324-5905 EPA Est. 100-NE-001

SCPSR-HEL-1324C-L1F 0122 4160755

AD 010422HAE

PEEL BACK BOOK HERE AND RESEAL AFTER OPENING



Manufactured For
HELENA AGRI-ENTERPRISES, LLC
225 SCHILLING BOULEVARD, SUITE 300
COLLIERVILLE, TENNESSEE 38017 U.S.A. • (901) 761-0050

Fungicide



CODE 25

25-0-0

Plus 0.5% B

CONTROLLED RELEASE NITROGEN FOLIAR FERTILIZER

THIS PRODUCT IS ONLY FOR SALE AND USE IN SOUTH DAKOTA.

GUARANTEED ANALYSIS

Total Nitrogen (N)	25.00%
18.8% Urea Nitrogen	
6.2% Other Water Soluble Nitrogen*	
Boron (B)	0.50%

Derived from urea, methylene diurea, methylene ureas and boracic acid.
Chlorine (Cl), not more than 0.01%.
*6.2% Slowly Available Nitrogen from methylene diurea and methylene ureas.

KEEP OUT OF REACH OF CHILDREN

WARNING

May be harmful if swallowed
May be harmful in contact with skin
May be harmful if inhaled
Causes mild skin irritation
Causes serious eye irritation



USE WITHIN 9 MONTHS FROM DATE OF PURCHASE. Contains Boron. Do not use on plants sensitive to Boron. Use of Boron on crops other than those recommended may result in serious injury to the crop.

NET CONTENTS: □ 2.5 gals. (9.46 L) SN 022615/0915G (SD)
□ 250 gals. (946.25 L)
□ Bulk _____

WEIGHT PER GALLON: 10.0 lbs (4.54 kg)

Information about the components of this lot of fertilizer may be obtained by writing to Helena Chemical Company, 225 Schilling Boulevard, Suite 300, Collierville, TN 38017 and giving the lot number which is found on the container.

Information regarding the contents and levels of metals in this product is available on the Internet at: <http://www.aapfco.org/metals.htm>

F224

MANUFACTURED FOR
HELENA CHEMICAL COMPANY
225 SCHILLING BOULEVARD, SUITE 300
COLLIERVILLE, TN 38017
901-761-0050

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

WARNING

BEFORE USING THIS PRODUCT, READ ALL PRECAUTIONS, DIRECTIONS FOR USE, CONDITIONS OF SALE—LIMITED WARRANTY AND LIMITATIONS OF LIABILITY AND REMEDIES.

May be harmful if swallowed. May be harmful in contact with skin. May be harmful if inhaled. Causes mild skin irritation. Causes serious eye irritation. Avoid contact with eyes and prolonged contact with skin to avoid irritation. Avoid breathing spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or smoking tobacco. Remove and wash contaminated clothing before reuse. Do not take internally. Avoid contact with or inhalation of the spray mist. Do not apply this product in such a manner as to directly expose workers or other persons. If product is being mixed with pesticides and/or spray adjuvants, follow all precautionary statements on the accompanying product(s) labeling. Not for human or animal consumption.

Personal Protective Equipment (PPE): Wear protective eyewear (goggles or face shield), chemical-resistant gloves, long-sleeved shirt and long pants, and shoes plus socks when using this product. Take off any contaminated clothing and wash before reuse.

FIRST AID

IF SWALLOWED:	Call a poison center or doctor if you feel unwell: Rinse mouth.
IF IN EYES:	Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. Immediately call a poison center/doctor.

IF ON SKIN:	Remove contaminated clothing and wash skin with soap and water. If skin irritation occurs, get medical advice/attention.
IF INHALED:	Call a poison center or doctor if you feel unwell.

STORAGE AND DISPOSAL

Keep container tightly closed. May be stored in unheated area, but keep from freezing. Do not contaminate water sources by cleaning of equipment or disposal of rinse-water. Dispose of empty containers by triple rinsing (or equivalent) with water and pouring rinsate into spray tank. Recycle rinsed containers whenever possible or puncture and discard empty containers in a landfill in accordance with current local, state, International and federal regulations. For help in chemical emergencies involving spill, leak, fire or exposure, call toll free 1-800-424-9300.

GENERAL INFORMATION

0.63 lbs/gal of Nitrogen, out of 2.525 lbs/gal of the total Nitrogen in this product, is controlled release. **CoRoN® 25-0-0 Plus 0.5% B** is a unique foliar fertilizer that contains polymethylene urea solution, a patent pending, controlled release organic nitrogen source. **CoRoN® 25-0-0 Plus 0.5% B** is a foliar fertilizer intended as a supplement to a regular fertilizer program and will not by itself provide all the nutrients required by crops or other intended plants. Successful nitrogen application rates are dependent upon a number of factors, such as soil type, organic matter content, soil nitrate level, previous crop, irrigation or non-irrigation, variety, planting date, etc. Unexpected weather variations make preplant and/or early season nitrogen application rates difficult to recommend. To achieve efficiency, nitrogen fertilizer use should be considered as a dependent production variable. Total nitrogen applied will depend upon the needs of the developing plant and those environmental factors responsible for the production system in each field. Soil test recommendations and specific nitrogen rates are usually for average conditions only. For efficient nitrogen use, use starter fertilizer band applications during cultivation and foliar applications of **CoRoN® 25-0-0 Plus 0.5% B**.

CoRoN® 25-0-0 Plus 0.5% B PROVIDES NITROGEN WHICH IMPROVES THE GENERAL PLANT CONDITION AND IS A VALUABLE SUPPLEMENT TO SOIL FERTILIZER PROGRAMS.

CoRoN® 25-0-0 Plus 0.5% B can be applied either undiluted or diluted (with water) for aerial or ground application. Use sufficient carrier to adequately cover crop foliage. **PRECAUTION:** Use of the product in accordance with label directions is not expected to adversely affect normal vegetative and/or reproductive growth in most situations.

However, various environmental and agronomic factors, such as crop stress associated with high temperatures and/or dry conditions, make it impossible to eliminate all risks associated with the use of the product; therefore, crop injury is always possible. The user assumes all risks of use and handling. In an effort to reduce the risk of crop injury, apply early morning or late evening.

Use in accordance with recommendations of a qualified individual or institution, such as, but not limited to, a certified crop advisor, agronomist, university crop extension publication, or apply according to recommendations in your approved nutrient management plan. Consult your local Helena Chemical Company representative for further information.

GENERAL USE RATE RECOMMENDATIONS⁽¹⁾

FIELD CROPS

ALFALFA⁽¹⁾: 4-6 qts. per acre. Apply after each cutting when sufficient foliage is present.

CANOLA⁽¹⁾: 4-8 qts. per acre. Apply pre-bloom.

CORN: 3-5 gallons per acre applied at V-6 to V-8 as a foliar application. 1-3 gallons per acre applied as a foliar application at pre-tassel as a Nitrogen (N) supplement. 1-2 gallons per acre applied as a foliar application at VT to R-2 when used with fungicides, insecticides.

When this product is applied between V-8 and VT an adjuvant may be added to increase coverage providing it is an APE free adjuvant.

CORN (POP): 3-5 gallons per acre applied at V-6 to V-8 as a foliar application. 1-3 gallons per acre applied as a foliar application at pre-tassel as a Nitrogen (N) supplement. 1-2 gallons per acre applied as a foliar application at VT to R-2 when used with fungicides, insecticides.

CORN (SEED): 3-5 gallons per acre applied at V-6 to V-8 as a foliar application. 1-3 gallons per acre applied as a foliar application at pre-tassel as a Nitrogen (N) supplement. 1-2 gallons per acre applied as a foliar application at VT to R-2 when used with fungicides, insecticides.

COTTON (SEEDLING): 3-4 qts. per acre. Apply when first true leaves appear. **(AFTER SEEDLING STAGE):** 2-4 qts. per acre. **(BOLL DEVELOPMENT):** 4-12 qts. per acre. Apply at early boll formation and repeat at 14 - 21 day intervals.

FLAX: 6-10 qts. per acre. Apply at early boll development.

GRAIN SORGHUM: 4-6 qts. per acre after pollination.

GRASS (SEED PRODUCTION): 10-16 qts. per acre. Apply at seed head elongation.

HOPS: 4-6 qts. per acre. Apply before cone development.

PEANUTS: (Single Application) – 10-16 qts. per acre at early pod development. **(Multiple Application) –** 4-6 qts. per application at early bloom and repeat at 14-21 day intervals until pods are filled.

Disclaimer: Always refer to the label on the product before using Helena or any other product.

Curless000136

POTATOES: (Single Application) – 10-16 qts. per acre. Apply at mid tuber development. (Multiple Application) – 4-6 qts. per acre at tuber initiation and repeat at 10-14 day intervals until maximum tuber development has occurred.

RICE: 6-10 qts. per acre. Apply at panicle emergence.

SMALL GRAINS: Foliar application of 1-3 gallons per acre applied from spring greenup to early joint (Feekes 8). 1-3 gallons per acre at or near flag leaf stage as a Nitrogen (N) supplement.

SOYBEANS: 1-3 gallons per acre as a Nitrogen (N) supplement. Apply at V6-R4 growth stage.

SUGAR BEETS⁽¹⁾: 10 qts. per acre. Apply at 10-12 leaf and repeat at 20 leaf.

SUNFLOWER⁽¹⁾: 4-6 qts. per acre. Apply when outer seeds start to fill, repeat in 10 - 14 days.

SWEET POTATOES: 4-6 qts. per acre. Apply at tuber initiation and repeat at 10 - 14 days.

TOBACCO⁽¹⁾: 6-10 qts. per acre. Apply at plant bed stage to near maturity as needed to maintain crop growth and quality.

OTHER CROPS: 4-6 qts. per acre. Apply when sufficient foliage is present, try on a small area until more experience and trials have been completed to determine if higher rate is desirable.

VEGETABLES

ASPARAGUS⁽¹⁾: 6-10 qts. per acre. Apply beginning at mid-fern development, then at 14-1 day intervals.

BEANS (DRY): (Single Application) – 10 qts. per acre at early pod formation. (Multiple Application) – 4-6 qts. per acre at early full flower and repeat in 10-14 days.

BEANS (GREEN, LIMA): 4-6 qts. per acre at early flower and repeat in 7-10 days.

BROCCOLI⁽¹⁾: 6-10 qts. per acre. Apply first application after thinning, then 3 weeks before head formation and repeat in 7-10 days.

CABBAGE⁽¹⁾: 6-10 qts. per acre. Apply first application after thinning, then early head formation and repeat after 14-21 days.

CANTALOUPE: 6-10 qts. per acre. Apply at early flowering and repeat 7-10 days later.

CAULIFLOWER⁽¹⁾: 6-10 qts. per acre. Apply first application after thinning or transplant, other applications at early head set and repeat at 10-14 day intervals.

CELERY⁽¹⁾: 4-6 qts. per acre. Apply when plants are 8-12 inches tall and repeat at 10-14 day intervals.

CORN (SWEET): 3-5 gallons per acre applied at V-6 to V-8 as a foliar application. 1-3 gallons per acre applied as a foliar application at pre-tassel as a Nitrogen (N) supplement. 1-2 gallons per acre applied as a foliar application at VT to R-2 when used with fungicides, insecticides.

CUCUMBERS: (Single Application) – 10-16 qts. per acre. Apply at early fruit set. (Multiple Applications) – 4-6 qts. per acre. Apply at early flowering and repeat at 10-14 day intervals.

LENTILS: 4-6 qts. per acre. Apply at early flowering and repeat at 10 - 14 day intervals.

LETTUCE⁽¹⁾: 4-6 qts. per acre. Apply after thinning, then at early head formation and repeat at 10-14 day intervals.

OKRA: 4-6 qts. per acre. Apply at bud stage and repeat at 10-14 day intervals.

ONIONS: 4-6 qts. per acre. Apply at mid set development and repeat at 14-21 day intervals.

PEAS: 4-6 qts. per acre. Apply at early flowering and repeat in 10-14 days.

PEPPERS⁽¹⁾: 4-6 qts. per acre. Apply at early fruit set and repeat in 10-14 days.

SPINACH⁽¹⁾: 6-10 qts. per acre. Apply when sufficient foliage is present and repeat at 14 - 21 days.

SQUASH: 6-10 qts. per acre. Apply at early fruit set and repeat at 10-14 day intervals.

TOMATOES (PROCESS)⁽¹⁾: (Single Application) – 10 qts. per acre. Apply 10-14 days after full bloom. (Multiple Applications) – 4-6 qts. per acre at full bloom and repeat at 10-14 day intervals until harvest is near completion.

WATERMELONS: 6-10 qts. per acre. Apply at early flowering and repeat 7-10 days later.

OTHER CROPS: 4-6 qts. per acre. Apply when sufficient foliage is present, try on a small area until more experience and trials have been completed to determine if higher rate is desirable.

COMMERCIAL CHRISTMAS TREES, ORNAMENTALS AND NURSERY STOCK
Apply 4-10* qts. per acre when sufficient foliage is present. CoRoN® 25-0-0 Plus 0.5% B has been applied undiluted to some types of ornamentals and nursery stock. Since these plants vary widely in growth habit and leaf texture, some types are more susceptible to leaf or tip burn than others. It is recommended that the user try only a few plants at undiluted or concentrated rates and observe for a week before general applications are made.

*A rate of 10 qts. per acre is equivalent to 7.35 oz. per 1,000 square feet.

FRUITS AND NUTS

ALMONDS: Apply 6-10 qts. per acre at full leaf. Repeat at early nut expansion.

APPLES⁽¹⁾: Apply 4-6 qts. per acre prior to fruit set or post harvest.

CANEBERRIES: Apply 4-6 qts. per acre prior to fruit set.

CHERRIES: Apply 4-6 qts. per acre prior to fruit set.

CITRUS: Apply 4-6 qts. per acre at early bloom and repeat after fruit set.

CRANBERRIES: Apply 4-6 qts. per acre at hook stage and repeat after fruit set.

FILBERTS: (Single Application) – Apply 10-16 qts. per acre at early nut filling. (Multiple Applications) – 4-6 qts. per acre at early leaf expansion and repeat at 14-21 day intervals.

GRAPES: Apply 2-4 qts. per acre prior to fruit set.

PEACHES/NECTARINES: Apply 6-10 qts. per acre prior to fruit set.

PEARS: Apply 4-6 qts. per acre prior to fruit set or postharvest.

PECANS: Apply 4-6 qts. per acre at full leaf. Repeat at early nut expansion.

PLUMS: Apply 6-10 qts. per acre prior to fruit set.

OLIVES: Apply 4-6 qts. per acre at early fruit development and repeat as required.

STRAWBERRIES: Apply 2-3 qts. per acre at early flowering and repeat every 14 days through harvest. Initiate fall application when new growth reaches 3 inches in height.

OTHER CROPS: 4-6 qts. per acre. Apply when sufficient foliage is present, try on a small area until more experience and trials have been completed to determine if higher rate is desirable.

Note (1) FOR USE IN WISCONSIN: CoRoN® 25-0-0 Plus 0.5% B can be applied to these crops commonly grown in Wisconsin and requiring a medium to high level of boron.

CONDITIONS OF SALE—LIMITED WARRANTY AND LIMITATIONS OF LIABILITY AND REMEDIES.

Read the Conditions of Sale—Warranty and Limitations of Liability and Remedies before using this product. If the terms are not acceptable, return the product, unopened, and the full purchase price will be refunded.

This label is believed to be reliable and must be followed carefully. Injury to the crop to which the product is applied may result from the occurrence of extraordinary or unusual weather conditions or the failure to follow the label directions or good application practices, all of which are beyond the control of Helena Chemical Company (the "Company") or seller. In addition, failure to follow label directions may cause injury to crops, animals, man or the environment. The Company warrants that this product conforms to the chemical description on the label and is reasonably fit for the purpose referred to subject to the factors noted above which are beyond the control of the Company. The Company makes no other warranties or representations of any kind, express or implied, concerning the product, including no implied warranty of merchantability or fitness for any particular purpose, and no such warranty shall be implied by law.

The exclusive remedy against the Company for any cause of action relating to the handling or use of this product shall be limited to, at Helena Chemical Company's election, one of the following:

1. Refund of the purchase price paid by buyer or user for product bought, or
2. Replacement of the product used

To the extent allowed by law, the Company shall not be liable and any and all claims against the Company are waived for special, indirect, incidental, or consequential damages or expense of any nature, including, but not limited to, loss of profits or income. The Company and the seller offer this product and the buyer and user accept it, subject to the foregoing conditions of sale and limitation of warranty, liability and remedies.

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AOAC Official Method 2003.14
Determination of Urea in Water-Soluble
Urea-Formaldehyde Fertilizer Products
and in Aqueous Urea Solutions

Disclaimer: Always refer to the label on the product before using Helena or any other product.

Ewing, Michael - 10/29/2024

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

HADA GARCIA, et al.,)	
Plaintiffs,)	
vs.	)	Case No. 3:20-cv-03322
PIONEER HI-BRED)	
INTERNATIONAL, INC.;)	
CORTEVA, INC.; RAS)	
AVIATION, L.L.C.; FARM)	
AIR, INC.; and CURLESS)	
FLYING SERVICE, INC.,)	
Defendants.)	

The deposition of MICHAEL EWING, called for examination pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before RYAN K. KOHLER, Certified Shorthand Reporter of the State of Illinois, remotely via Zoom videoconference, on October 29, 2024, at the hour of 10:00 a.m.

Reported by: RYAN K. KOHLER, CSR

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CURLESS003302

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1 sessions that you go to. So when I attend those
2 conventions, they do have some training sessions that
3 they go through. I don't guess you would call it a
4 formal training.
5 Q. How often do you attend those conventions?
6 A. Generally every two or three or four years.
7 Q. And who puts those conventions on?
8 A. That depends on which state. Arkansas,
9 Louisiana, Mississippi. I try to -- usually I go to
10 somewhere local.
11 Q. Ever been to one in Illinois?
12 A. No.
13 Q. Getting back to your work for Curless, so
14 obviously I know you've done aerial application flights
15 working for Curless. Is there any other type of work
16 you've done for Curless besides aerial application
17 flights?
18 A. No.
19 Q. And have you had a job title or position at
20 Curless?
21 MR. RAVICH: Object to form.
22 THE WITNESS: I'm not sure. I mean, I'm just
23 considered a pilot.
24

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1 BY MR. SCOTT:
2 Q. Fair enough. Okay. And, if you know, are
3 you an employee of Curless or an independent contractor
4 or do you have some other status?
5 A. No, I'm an employee.
6 Q. You're an employee of Curless. Okay.
7 Do you get a W-2 from Curless?
8 A. Yes.
9 Q. Okay. Has that always been the case since
10 you started working there?
11 A. Yes.
12 Q. And are you paid on an annual basis by
13 Curless or just seasonally?
14 MR. RAVICH: Object to form. Relevance.
15 MR. SCOTT: You can answer.
16 THE WITNESS: Yes.
17 BY MR. SCOTT:
18 Q. And have you always -- yes, you are paid
19 annually?
20 A. Yes.
21 Q. So do you get a paycheck every two weeks?
22 A. Yes.
23 Q. And has that always been true since you
24 started working with Curless in 2013?

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1 A. Yes.
2 Q. Now, you -- you told me earlier when you were
3 talking about e-mailing with Harley Curless that you
4 would e-mail with him about your contract.
5 Do you recall that?
6 A. Yes.
7 Q. Tell me what you mean by your contract.
8 A. Just states what he'll pay based on how many
9 acres that I treat.
10 Q. And do you -- is that a negotiation you have
11 each year?
12 A. Yes.
13 Q. And you have that negotiation before the
14 season starts, I take it?
15 A. Yes.
16 Q. And so what are the basic terms? Did he ask
17 you to fly aerial applications to spray X number of
18 acres and he agrees to pay you Y number of dollars for
19 that?
20 A. Yes.
21 MR. RAVICH: Objection to form.
22 BY MR. SCOTT:
23 Q. Is that essentially how it works?
24 A. Yes.

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1 MR. RAVICH: Objection to form.
2 BY MR. SCOTT:
3 Q. As best you can recall just thinking about
4 your contract for this past -- well, I guess let me ask
5 this.
6 The aerial applications that you -- the acres
7 you would be agreeing to spray, that would all be
8 performed during the spraying season in Illinois; is
9 that right?
10 A. Yes.
11 Q. And roughly in Illinois when does the
12 spraying season start and end?
13 A. Well, my -- the season starts before I come
14 up and it ends a little after I leave from up there.
15 But generally I'm up there June through part of August.
16 And July -- sometimes July through part of August.
17 Q. I'm sorry. I didn't understand that last
18 part when you said July. What did you say?
19 A. Well, sometimes -- sometimes I would go up
20 there the first of July and work up into August and
21 sometimes I go up there in June and work through
22 August. It depends on their workload.
23 Q. I see. And that's something you negotiate
24 with Harley Curless beforehand?

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1 MR. RAVICH: Object to form.
 2 BY MR. SCOTT:
 3 Q. What type?
 4 A. Just -- just a personal.
 5 Q. Okay. Single-engine I'm sure; right?
 6 A. Yes.
 7 Q. What made you get rid of it?
 8 MR. RAVICH: Form.
 9 THE WITNESS: I didn't use it enough to justify
 10 having it.
 11 BY MR. SCOTT:
 12 Q. Fair enough.
 13 Mr. Ewing, do you -- do you wear glasses or
 14 contacts?
 15 A. No.
 16 Q. Have you ever?
 17 A. Yes.
 18 Q. When did you -- did you get LASIK surgery or
 19 something?
 20 A. Yes.
 21 Q. When did you get that?
 22 A. This year.
 23 Q. Oh. How is it working?
 24 A. Good. Well, it wasn't LASIK, it was -- yeah,

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1 it was -- it was cataract.
 2 Q. Okay. Understood.
 3 A. But I -- I only use glasses for reading, near
 4 vision.
 5 Q. Okay. You don't need them for flying?
 6 A. No.
 7 Q. Okay. Have you ever needed them for flying?
 8 A. No.
 9 Q. Okay. Besides the cataract surgery, have you
 10 ever had any eye issues or surgeries?
 11 A. No.
 12 Q. Last one before we break, have you ever lived
 13 in Illinois?
 14 A. No.
 15 MR. SCOTT: Okay. Now's a good time for me to
 16 break if you all want to.
 17 THE WITNESS: Yeah, it's good for me.
 18 MR. RAVICH: That's fine.
 19 (Short break taken.)
 20 MR. SCOTT: Let's go back on the record.
 21 BY MR. SCOTT:
 22 Q. Okay. Mr. Ewing, just one follow-up from
 23 some questions earlier. You told me that there was one
 24 year where you did clear the 50,000 acre threshold and

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1 I just want to make sure I understand. Was that in
 2 2019 or not?
 3 A. I don't think so. I don't really remember,
 4 but I don't think that it was that year.
 5 Q. Okay. Switching gears a little bit. As an
 6 aerial application pilot, are there circumstances that
 7 can arise that require you to stop or delay or change
 8 your plans for an application?
 9 A. Yes.
 10 Q. Can you give me an example of what
 11 circumstances can arise to make you need to do that?
 12 A. If there's people too close to the field or
 13 the wind is blowing in the wrong direction toward
 14 houses or there -- there could be obstacles in the
 15 field that you didn't know. You may not want to do it
 16 because of safety.
 17 Q. Okay. Let me try to take this one at a time.
 18 So the first example you gave is that if
 19 there are people too close to the field.
 20 A. Uh-huh.
 21 Q. Why would that circumstance require you as
 22 the pilot to stop or delay or change your plans for an
 23 application?
 24 A. Well, it's -- if people were too close and

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1 the wind would blow in the spray toward them to where
 2 it could drift and get on them, you wouldn't want to do
 3 that.
 4 Q. And I think the answer is probably obvious,
 5 but can you explain to me why not?
 6 A. Well, you don't want to spray anybody.
 7 Q. How close is too close?
 8 MR. RAVICH: Form.
 9 THE WITNESS: It depends on wind velocity and, you
 10 know, it could be -- it just depends on the situation.
 11 The wind velocity and the temperature and humidity.
 12 BY MR. SCOTT:
 13 Q. Okay. I think I understand the wind velocity
 14 point. Can you explain to me how the temperature
 15 affects that decision-making process?
 16 A. Well, the warmer it is, the higher the
 17 temperature, it evaporates faster. The lower humidity
 18 it evaporates faster.
 19 Q. And when you say it evaporates faster, you
 20 mean the chemicals that you're spraying evaporate
 21 faster?
 22 A. Yes, the spray.
 23 Q. And when you have those conditions, the spray
 24 is more likely to drift into an area where the people

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1 might be too close. Is that what you mean?
 2 A. Yes.
 3 MR. RAVICH: Object to form.
 4 MR. SCOTT: I'm sorry. I didn't hear your answer.
 5 THE WITNESS: Yes.
 6 BY MR. SCOTT:
 7 Q. So is it fair to say that if your -- if you,
 8 Michael Ewing, are flying an aerial application and you
 9 see people in the adjacent area around the field you
 10 are spraying, that is a circumstance when you change
 11 your plans for that application?
 12 MR. RAVICH: Object to form.
 13 THE WITNESS: It depends on where they're located.
 14 BY MR. SCOTT:
 15 Q. Has that ever happened to you where you did
 16 see people on the ground and you changed your plans for
 17 an application you were supposed to do or you were in
 18 the process of doing?
 19 A. Yes.
 20 Q. How -- as best you can approximate, how many
 21 times has that happened or how often has it happened?
 22 A. Occasionally.
 23 Q. How --
 24 A. I don't know the --

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1 Q. Once a season, more than once a season?
 2 MR. RAVICH: Form.
 3 THE WITNESS: Maybe once or twice a season.
 4 BY MR. SCOTT:
 5 Q. Did it happen -- are there any instances when
 6 that happened this past season?
 7 MR. RAVICH: Form.
 8 THE WITNESS: I don't recall.
 9 BY MR. SCOTT:
 10 Q. Are there any particular instances when
 11 that -- those circumstances happen that you do recall?
 12 A. No.
 13 Q. You also gave me an example of a circumstance
 14 that can arise that would require you to change your
 15 plans in an application of changes in the wind, I
 16 think. Was that an example you gave?
 17 MR. RAVICH: Form.
 18 MR. SCOTT: Let me ask you differently.
 19 BY MR. SCOTT:
 20 Q. Are changes in the wind a circumstance that
 21 would require you as a pilot to change your plans for
 22 an aerial application that you're in the process of
 23 doing?
 24 A. Yes.

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1 Q. And explain to me why that is and -- well,
 2 explain to me why that is.
 3 A. Well, if you're -- if you're spraying close
 4 to sensitive areas and the wind is -- it's favoring the
 5 right direction but -- and then either the wind changes
 6 directions or either dies down as far as loses its
 7 velocity, then you may want to rethink, you know,
 8 your -- the spraying the field.
 9 Q. And I think I understand the change of
 10 direction part, but can you explain to me why the wind
 11 dying down would make you want to consider changing
 12 your plan in that situation?
 13 A. Well, you just stay further away from your
 14 sensitive areas.
 15 Q. And why is that with the wind dying down?
 16 Why does that make you want to do that?
 17 A. Well, the wind's not pushing it away from
 18 your sensitive area as much.
 19 Q. Have those types of wind changes occurred in
 20 aerial applications that you've flown?
 21 A. Yes.
 22 Q. How do you -- when you're flying up in the
 23 air doing the application, how do you determine what
 24 the wind is doing?

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1 A. We have the smokers on the planes and you can
 2 put out smoke and that tells you what the wind is
 3 doing.
 4 Q. And when during an application do you --
 5 well, let me ask this.
 6 For every aerial application do you use the
 7 smoker?
 8 A. Not every but it depends on the situation.
 9 Depends on the field. If the field's out in the wide
 10 open and nothing's around, there might be occasions
 11 that you don't use it.
 12 Q. When you do use the smoker, is that something
 13 you do before you start applying the spray on the
 14 field?
 15 A. Before and during.
 16 Q. Besides having the ability to use the smoker,
 17 are there any other ways that you're monitoring changes
 18 in the wind while you're flying for an aerial
 19 application?
 20 A. No, that's pretty much it.
 21 Q. Is there any instrument you have in your
 22 plane inside the cockpit that's telling you what the
 23 wind is doing?
 24 A. No.

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1 Q. Do you -- do you have anybody on the ground
 2 in or near the field that is communicating with you
 3 about the -- what the wind is doing down there?
 4 A. Not near the field generally, no.
 5 Q. And when you say not near the field, do you
 6 mean you have people back at the airport? Is that what
 7 you mean?
 8 A. Right.
 9 Q. Okay. And are the people back at the airport
 10 kind of your source for, I'll just say, weather data
 11 about what the wind is doing?
 12 A. Sometimes.
 13 Q. Are there occasions when the wind is doing
 14 something different lower to the ground than it is
 15 higher up where you might be flying on a turn or
 16 something?
 17 A. Yes, that can -- that can -- yeah, that can
 18 be occasionally.
 19 Q. I think another example you gave me in
 20 response to my first question was, I think you said, if
 21 there are houses in the area, that might be a
 22 circumstance that can arise that requires you to change
 23 your plans for an application; is that right?
 24 A. Yeah, it could.

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1 Q. And just explain to me how that circumstance
 2 would affect your decision-making while you're doing
 3 the aerial application.
 4 A. It depends on the velocity of the wind and if
 5 you see any people outside or -- you want to, you know,
 6 not spray right up to the house.
 7 Q. Is there a general rule of thumb that if wind
 8 speed is too high you stop or delay or change your
 9 plans for an application? And I guess what I'm getting
 10 at is, is there a limit -- like a certain miles per
 11 hour of wind speed where you use that as a rule of
 12 thumb that if it's above that you're going to stop?
 13 Does that make sense?
 14 A. Yeah, generally.
 15 MR. RAVICH: Object to form.
 16 BY MR. SCOTT:
 17 Q. And is -- and what is that general rule of
 18 thumb? How many miles per hour?
 19 MR. RAVICH: Form.
 20 THE WITNESS: There again it depends on where
 21 you're at, but I'd say average maybe 15.
 22 BY MR. SCOTT:
 23 Q. Okay. What about -- what about very low wind
 24 speeds? Does -- if the wind speed is very low, is

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1 there a general rule of thumb that if it's below a
 2 certain miles per hour number you don't want to spray?
 3 A. Typically it depends on the situation, but
 4 anything under three -- two or three, you would want
 5 to, you know, not be in a real sensitive situation.
 6 Q. And why is that?
 7 A. Well, you want to be sure when it does start
 8 blowing, what direction in...
 9 Q. Is that -- are you saying that when the wind
 10 speed is low like that, the direction the wind's going
 11 to blow is unpredictable?
 12 MR. RAVICH: Objection to form.
 13 THE WITNESS: I wouldn't say unpredictable. You
 14 have your weather forecast that predicts pretty
 15 accurate of what you can expect. So, you know,
 16 spraying in under three is not -- it's not a -- just an
 17 absolute no.
 18 BY MR. SCOTT:
 19 Q. You just want to be more careful. Is that
 20 what you're saying?
 21 A. Right. More cautious.
 22 Q. Okay. You mentioned weather forecasts.
 23 Before you do an aerial application, when are you
 24 getting the weather -- when are you getting the weather

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1 forecast?
 2 A. We check it regularly throughout the day.
 3 Q. Okay. At the airport, is that what you mean?
 4 A. We check it through the -- you can check it
 5 on your flight apps at different airports, Weather
 6 Channel app, several different weather apps that you
 7 can, you know, get your forecast or what the wind is
 8 doing.
 9 Q. Okay. And which -- which sources do you use
 10 to get weather forecasts information?
 11 A. I use ForeFlight. I use Weather Channel.
 12 Q. And do you know what -- are those sources
 13 getting their information from I don't know how to put
 14 this but the official weather stations?
 15 A. I'm assuming.
 16 Q. Okay.
 17 A. You know, they're -- the ForeFlight does.
 18 Q. And so those are like the weather stations at
 19 airports, for example? Is that what you mean?
 20 A. Yes.
 21 MR. RAVICH: Form.
 22 BY MR. SCOTT:
 23 Q. We touched on this, but let me just ask it a
 24 little more specifically. Is there a general rule of

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1 Q. And I imagine that type of wear and tear
2 could happen if you're using the plane a lot and doing
3 a lot of jobs?
4 MR. RAVICH: Object to form.
5 THE WITNESS: Yes.
6 BY MR. SCOTT:
7 Q. Besides the factors we talked about, are
8 there other factors that come to mind that can cause or
9 contribute to drift or off-target application?
10 A. No.
11 Q. Is it important to minimize off-target
12 application or movement of pesticide from aerial
13 applications?
14 MR. RAVICH: Objection to form.
15 THE WITNESS: Yes.
16 BY MR. SCOTT:
17 Q. Why is it important to do that?
18 MR. RAVICH: Form.
19 THE WITNESS: Well, it's an economic reason for
20 one. You want the farmer's crop that you're spraying
21 to get -- to get what it's supposed to get.
22 BY MR. SCOTT:
23 Q. You said for one. Are there other reasons?
24 A. Well, you just -- you just want it to stay

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1 where you want it -- where you're trying to put it.
2 Q. Earlier in the deposition you told me that
3 you, in the last, maybe, a couple weeks ago, reviewed
4 the Aerial Applicator's Manual. Do you recall that?
5 A. Yes.
6 Q. And just at a high level can you just
7 describe for me what that is?
8 A. The Aerial Applicator's Manual?
9 Q. Yeah, just for a layperson. I'm not a pilot
10 like you so just what is it?
11 MR. RAVICH: Object to form.
12 THE WITNESS: It's just a lot of the nuts and
13 bolts of aerial application.
14 BY MR. SCOTT:
15 Q. Is that a manual that you rely on as an
16 aerial applicator?
17 MR. RAVICH: Form.
18 THE WITNESS: Yes.
19 BY MR. SCOTT:
20 Q. Was that a yes?
21 A. Yes.
22 Q. It's an important manual for aerial
23 applicators. Is that fair to say?
24 MR. RAVICH: Object to form.

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1 THE WITNESS: Yes.
2 BY MR. SCOTT:
3 Q. I know you said you had your own hard copy of
4 this Aerial Applicator's Manual. How often do you
5 review it?
6 A. Every two or three years.
7 Q. And is that just so you can stay -- refresh
8 yourself on guidelines for aerial application?
9 A. Yes.
10 Q. All right. I want to mark that as an exhibit
11 and look at it with you. So let me take a moment and
12 make sure I do that the right way.
13 Okay. I just put in the Zoom chat a pdf that
14 I'm marking as Ewing Dep Exhibit 1. Anybody who wants
15 to I think can download that pdf and look at it
16 themselves. I'm also going to share my screen just so
17 Mr. Ewing can follow along maybe a little easier.
18 (EWING Exhibit Number 1 marked
19 for identification.)
20 BY MR. SCOTT:
21 Q. Okay. Mr. Ewing, are you now seeing on your
22 screen the Aerial Applicator's Manual?
23 A. Yes.
24 Q. And is this the manual we've been talking

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1 about?
2 A. Yes.
3 Q. And so just, again, for the record, I'm
4 marking this as Exhibit 1 for Mr. Ewing's deposition.
5 So obviously you've seen this manual before;
6 correct, Mr. Ewing?
7 A. Yes.
8 Q. And it's got a subtitle that says "A National
9 Pesticide Applicator Certification Study Guide;" right?
10 A. Right.
11 Q. Is that one of the certifications you have?
12 A. Well, there's -- each state has its own
13 certification.
14 Q. Okay. Understood.
15 And since you mentioned states, I'm going to
16 scroll down and we can see on page 3 that this Aerial
17 Applicator's Manual was published by the National
18 Association of State Departments of Agriculture
19 Research Foundation; correct?
20 A. Correct.
21 MR. RAVICH: Object to form.
22 BY MR. SCOTT:
23 Q. Did Curless provide this manual to you?
24 MR. RAVICH: Object to form.

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1 THE WITNESS: Yes, entered in, yes.
 2 BY MR. SCOTT:
 3 Q. And in that situation it was important that
 4 you were alert so that you could change your plans with
 5 that aerial application due to the person being nearby;
 6 right?
 7 A. Yes.
 8 Q. The next sentence in the same subsection says
 9 "Weather patterns, especially wind direction, can also
 10 change rapidly, causing pesticide from the application
 11 to move off site and possibly onto workers or other
 12 people nearby." Did I read that correctly?
 13 MR. RAVICH: Form.
 14 THE WITNESS: Yes.
 15 BY MR. SCOTT:
 16 Q. Do you agree that aerial application pilots
 17 need to be alert to the possibility of weather
 18 patterns, especially wind direction, changing rapidly?
 19 A. Yes.
 20 Q. All right. And then the remainder of this
 21 paragraph gives an example that I just want to talk
 22 about briefly if I can get it highlighted.
 23 Okay. Just bear with me for a second. The
 24 next few sentences at the end of this same paragraph

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1 say, "For example, you might plan and begin an
 2 application based on the wind blowing away from nearby
 3 areas where people are present. However, during the
 4 application, the wind direction could change and blow
 5 towards these areas. Therefore, develop a plan that
 6 includes communication between you and the ground crew
 7 to delay or stop the application if anyone spots people
 8 nearby, and only make applications if no one is in
 9 adjacent areas where they might be subject to exposure.
 10 Inspect the application site and adjoining areas before
 11 beginning an application to confirm no one is around
 12 the site."
 13 Did I read that correctly?
 14 MR. RAVICH: Object to form.
 15 THE WITNESS: Yes.
 16 BY MR. SCOTT:
 17 Q. Do you agree that this is an example of why
 18 it is important to inspect the areas around the
 19 application site to confirm no people are around?
 20 MR. RAVICH: Form.
 21 THE WITNESS: Yes.
 22 BY MR. SCOTT:
 23 Q. Okay. Now I want to move ahead to Chapter 6
 24 of the manual. It's on page 81. Chapter 6 is titled

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1 Making an Aerial Pesticide -- I'm sorry.
 2 Chapter 6 is titled Making an Aerial
 3 Pesticide Application; correct?
 4 A. Correct.
 5 Q. Is this another chapter of this manual that
 6 you've reviewed before?
 7 A. Yes.
 8 Q. And in Chapter 6 I want to go to page 86.
 9 Here there is a section called Application Methods.
 10 Do you see that?
 11 A. Yes.
 12 Q. Just below that on page 87 in this section,
 13 in the first full paragraph there is a sentence that
 14 reads "To prevent spray from contacting sensitive
 15 areas, or to avoid flying or turning over residences
 16 and other sensitive areas, you may need to wait for
 17 more favorable conditions or alter the application
 18 pattern in relation to prevailing wind direction and
 19 even contrary to logical field layout."
 20 Did I read that correctly?
 21 MR. RAVICH: Form.
 22 THE WITNESS: Yes.
 23 BY MR. SCOTT:
 24 Q. Do you agree that aerial application pilots

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1 need to be prepared to alter the application flight
 2 pattern if circumstances require it?
 3 A. Yes.
 4 Q. Okay. Now, there's -- the remainder of this
 5 paragraph, there's another example I want to talk about
 6 briefly.
 7 The next few sentences say "For instance,
 8 consider a rectangular field having its longest width
 9 running east and west. Because the wind is from the
 10 north, it would appear logical to make east-west
 11 passes. However, on the eastern border of the field is
 12 a road with houses on the other side of this road.
 13 East-west passes require making turns over the road and
 14 houses. In this situation, make shorter, north-south
 15 passes over the field even though this requires making
 16 more turns."
 17 Did I read that correctly?
 18 MR. RAVICH: Form.
 19 THE WITNESS: Yes.
 20 BY MR. SCOTT:
 21 Q. Do you agree that in this example the pilot
 22 should alter his application flight pattern to avoid
 23 making turns over the road and houses?
 24 MR. RAVICH: Objection to form.

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1 THE WITNESS: Yes.
 2 BY MR. SCOTT:
 3 Q. Have you ever done that before, something
 4 similar to this example?
 5 MR. RAVICH: Objection to form. Vague.
 6 THE WITNESS: Yes.
 7 BY MR. SCOTT:
 8 Q. If you recall, what were the circumstances
 9 when you did this type of change of -- change of
 10 course?
 11 A. If there's traffic on the road or if it was
 12 just a lot of houses.
 13 Q. You would change your course so you don't fly
 14 over the road or over the houses? Is that what you
 15 mean?
 16 MR. RAVICH: Form.
 17 THE WITNESS: In certain circumstances, yes.
 18 BY MR. SCOTT:
 19 Q. And are there -- when you say in certain
 20 circumstances, are there circumstances you have in mind
 21 when you would do that?
 22 A. Yes. It would depend on the amount of
 23 traffic and the amount of houses and people.
 24 Q. And --

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1 A. And how close -- how close they were to where
 2 you were pulling up and getting to them, going toward
 3 them.
 4 Q. Okay. Okay. Just a few more. I want to go
 5 back to Chapter 3 on page 33. Again, we're in
 6 Exhibit 1 which is the Aerial Applicator's Manual.
 7 Okay. Chapter 3 is titled Preventing
 8 Pesticide Drift; correct?
 9 A. Correct.
 10 Q. And is this a chapter you have reviewed
 11 before?
 12 MR. RAVICH: Form.
 13 THE WITNESS: Yes.
 14 BY MR. SCOTT:
 15 Q. Yes?
 16 A. Yes.
 17 Q. On page 34 of Chapter 3, the last full
 18 paragraph of the first section of the chapter, it says
 19 "During any application, a certain percentage of the
 20 spray droplets will drift."
 21 Did I read that correctly?
 22 MR. RAVICH: Form.
 23 THE WITNESS: Yes.
 24

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1 BY MR. SCOTT:
 2 Q. Do you agree with that statement?
 3 MR. RAVICH: Objection to form.
 4 THE WITNESS: Yes.
 5 BY MR. SCOTT:
 6 Q. Same Chapter 3 turning to page 37, there is a
 7 section titled External Factors Affecting Droplet Size
 8 and Drift. Do you see that?
 9 A. Yes.
 10 Q. The first sentence of that section says
 11 "Certain factors remain beyond your control. These
 12 external factors include weather such as humidity,
 13 rain, extremely high or low temperatures, wind, or
 14 conditions leading to an inversion layer."
 15 Did I read that correctly?
 16 MR. RAVICH: Form.
 17 THE WITNESS: Yes.
 18 BY MR. SCOTT:
 19 Q. Is that consistent with your understanding as
 20 some of the factors that can cause pesticide drift?
 21 MR. RAVICH: Form.
 22 THE WITNESS: Yes.
 23 BY MR. SCOTT:
 24 Q. Okay. On page 38, just beneath the bullet

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1 list in the first full paragraph, there are a couple
 2 sentences here I want to focus on.
 3 The first sentence says "The optimum time to
 4 make an aerial application when evaporation of spray
 5 droplets is a concern is during the coolest part of the
 6 day." And then a couple sentences later it says "Avoid
 7 making applications during hot, dry periods of the
 8 day."
 9 Did I read those two sentences correctly?
 10 MR. RAVICH: Form.
 11 THE WITNESS: Yes.
 12 BY MR. SCOTT:
 13 Q. Are those statements consistent with your
 14 understanding of pesticide drift?
 15 MR. RAVICH: Form.
 16 THE WITNESS: Yes.
 17 BY MR. SCOTT:
 18 Q. On the same page 38 near the bottom of the
 19 left-hand side, there is a sentence that says "Upward
 20 air movement caused by thermals also entraps and moves
 21 small droplets, increasing the probability that they
 22 will drift away from the application site. Thermals
 23 occur as the ground heats up, usually in the
 24 afternoon."

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1 Did I read that correctly?
 2 MR. RAVICH: Form.
 3 THE WITNESS: Yes.
 4 BY MR. SCOTT:
 5 Q. Are those statements consistent with your
 6 understanding of pesticide drift?
 7 A. Yes.
 8 Q. Okay. I'm going to stop sharing and take
 9 Exhibit 1 down. Thanks for bearing with me there.
 10 A. Can I take a three-minute break?
 11 MR. SCOTT: Yes, sir. Let's go off the record and
 12 let's take five.
 13 THE WITNESS: Okay.
 14 (Short break taken.)
 15 MR. SCOTT: Let's go back on the record.
 16 BY MR. SCOTT:
 17 Q. Okay. Mr. Ewing, I now want to turn to
 18 August 5th, 2019, the aerial application event that's
 19 the reason for this lawsuit. So I want to ask some
 20 questions about that and talk about that.
 21 Do you have -- can you have that August 2019
 22 time period in mind as best you can?
 23 A. Yeah.
 24 Q. Okay. Was August 5th, 2019, a memorable day

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1 finished?
 2 A. Yes. After I -- not the day but after I
 3 finished treating that specific field.
 4 Q. Oh, I see. Okay.
 5 And how did you come to learn that something
 6 had happened?
 7 A. I believe they called me on the radio.
 8 Q. And they -- is that Bobby Blickenstaff?
 9 A. Yes, Bobby.
 10 Q. Okay. So he called you from the airport on
 11 the radio?
 12 A. I think so. Yes, I think so.
 13 Q. And what's your best recollection of what he
 14 said?
 15 A. He said the state was wanting to inspect the
 16 airplane, to come back and -- you know, and give a
 17 statement and inspect the airplane.
 18 Q. Did you still have some more fields to spray
 19 that day at that point in time?
 20 A. Yes.
 21 Q. Okay. So did you finish your spraying jobs
 22 and then go back, or did you head straight back?
 23 A. No, I went back.
 24 Q. Okay.

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1 for you?
 2 A. It wasn't until the lawsuit.
 3 Q. Okay. And what do you mean by that?
 4 A. Or until the -- until the complaint.
 5 Q. Meaning until the complaint in this lawsuit
 6 was filed? Is that what you mean?
 7 A. Well -- no, that day they -- that it was
 8 called in.
 9 Q. I got you. Later that day --
 10 A. Right.
 11 Q. -- you learned about a complaint being
 12 made --
 13 A. Yes.
 14 Q. -- to the state; is that right?
 15 A. Yes, yes.
 16 Q. Sorry. I'm just treading on your words. My
 17 apologies.
 18 A. No, that's fine.
 19 Q. Okay. So, just so I understand that, you
 20 only became aware of -- that something had happened at
 21 the end of the day after you had finished all your
 22 flights; is that right?
 23 A. No, no. It was -- it was a little later.
 24 Q. What do you mean? A little later after you

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1 A. Went straight back.
 2 Q. And you mentioned something about giving a
 3 statement. Was that you that gave a statement?
 4 A. Yeah, to the Illinois State Department of
 5 Agriculture.
 6 Q. Okay. And was that a -- a verbal exchange
 7 where they asked you questions and you answered
 8 verbally?
 9 A. Yes.
 10 Q. Okay. Was there any written statement that
 11 you gave?
 12 A. No. Not that I -- not that I wrote.
 13 Q. Do you recall the -- and, again, I'm not
 14 going to hold you to specifics, but what do you recall
 15 about what the Department of Agriculture person asked
 16 you in giving that verbal statement?
 17 A. Just specifics about what I saw and the wind
 18 and about the general condition of the spray nozzles
 19 which they inspected, so...
 20 Q. And what do you -- when you say they asked
 21 you questions about what you saw, what do you recall
 22 telling them in response to that question?
 23 A. They asked did I see people in that -- in the
 24 field that was in question of where the plant is --

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1 were. And I said, yes, I saw them.
 2 Q. And did you say more to them than that? Did
 3 you elaborate at all?
 4 A. Well, yes. I told them yes, I did, the wind
 5 was blowing away from them. They were approximately a
 6 quarter of a mile away and there -- there -- it was
 7 basically a nonissue.
 8 Q. From your perspective, it was a nonissue; is
 9 that what you mean?
 10 A. Correct.
 11 Q. Do you understand that from the workers'
 12 perspective it was an issue?
 13 A. I don't -- I don't know what their
 14 perspective was, I mean, but --
 15 Q. Well, at the time you gave the statement to
 16 the person from the Department of Agriculture later in
 17 that day, August 5, 2019, what was your understanding
 18 of what the workers had told the state?
 19 A. That I had -- that I had got spray on them.
 20 Q. Anything else that you understood that they
 21 had told the state?
 22 A. Uh-uh. No.
 23 Q. Just looking back from right now, is there
 24 anything you would do differently on that day if you

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1 could?
 2 A. Honestly, looking back from now, as far as
 3 the issues that it has caused, I wouldn't have sprayed
 4 the field. But as far as the -- the logistics of
 5 spraying the field, the wind blowing at the -- at the
 6 speed that it was blowing away from the field that the
 7 workers were in, no. I made the statement that if my
 8 own family would have been in that field where the
 9 workers were at I wouldn't have done anything
 10 different.
 11 Q. You mean you said that to the state?
 12 A. I said that to the state lady. It was -- it
 13 was a lady. Yeah, I'm almost sure it was a lady.
 14 Q. Okay. Is there anything else you remember
 15 about what you said to the woman from the Department of
 16 Agriculture who was interviewing you?
 17 A. No, not any specifics. I don't -- I don't
 18 recall the whole conversation.
 19 Q. Let me just ask you this. Do you think that
 20 the farm workers were lying?
 21 MR. RAVICH: Objection to form.
 22 THE WITNESS: I guess it's a hard -- I'm -- well,
 23 let me put it this way. Do I think I got spray on
 24 them? 100 percent not. I don't -- I don't know what

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1 they're -- I don't want to just say they were lying. I
 2 don't want to call them liars, but did I get spray on
 3 them, no.
 4 BY MR. SCOTT:
 5 Q. Is it possible that you genuinely believe you
 6 did everything right and didn't -- didn't fly in a way
 7 that you would expect spray to get on them, but things
 8 can still happen, right, and it's possible that you're
 9 both right, that you believe you didn't -- you didn't
 10 do anything wrong but they genuinely were sprayed?
 11 Isn't that -- isn't that possible?
 12 MR. RAVICH: Objection to form.
 13 THE WITNESS: That's a hard question to answer
 14 because all I have to go by is what was going on at the
 15 particular time. No spray got over in that area. The
 16 spray system was functioning properly which the
 17 Department of Agriculture determined was working
 18 properly. It was -- it was not spraying when it was
 19 not supposed to. So your question is -- that's kind of
 20 hard to answer.
 21 BY MR. SCOTT:
 22 Q. Are you aware that there was testing done by
 23 the state that confirmed that at least one of the
 24 chemicals you sprayed appeared on an item of clothing

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1 from someone who was in the field? Were you aware of
 2 that?
 3 A. I was -- yes, I was aware of that.
 4 Q. How do you explain that?
 5 MR. RAVICH: Objection to form.
 6 THE WITNESS: I would explain it as the fields
 7 that they work in are sprayed by the same chemicals
 8 several times over the course of a year that they're
 9 working in. Even though they do have -- the Worker
 10 Protection Standard as far as reentering into the field
 11 is -- is good, but when you have the plant becoming wet
 12 with dew overnight and then they get in the field
 13 early, is there some residue that's going to transfer
 14 from the plant to them, yes, I believe so.
 15 BY MR. SCOTT:
 16 Q. You mentioned the wind a moment ago. You
 17 told me earlier that you don't have any instrument in
 18 the cockpit that tells you what the wind is doing
 19 currently; right?
 20 A. Right.
 21 Q. And I know you get weather forecasts from the
 22 airport at the beginning of the day, but that's not
 23 telling you what the wind is doing in the field at the
 24 time you're flying; right?

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1 BY MR. SCOTT:
2 Q. Okay. So maybe we're talking about around
3 20 minutes total to do those fields?
4 A. Give or take, yes.
5 Q. Okay. All right. Going back to page 3 of
6 the third page of Exhibit 3, in the map on this page,
7 the Moo Maw field, 94 acres is outlined in yellow;
8 correct?
9 A. Correct.
10 Q. Okay. And this -- this page shows that the
11 crop in that field was soybeans?
12 A. Correct.
13 Q. Okay. And, again, we see it in the bottom,
14 you sprayed Avaris, Coron, and Sultrus on this field;
15 correct?
16 A. Correct.
17 Q. Looking at the map, do you see there are a
18 couple places where there is some scribbling? It looks
19 like it's in pen?
20 A. Yes.
21 Q. Do you know who did that?
22 A. That would have been me.
23 Q. Okay. And just taking them one at a time.
24 There's some scribbling just immediately underneath the

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1 Moo Maw field which I guess is the direction south of
2 the Moo Maw field.
3 A. Correct.
4 Q. Do you see that? What does that scribbling
5 signify?
6 A. I wish it was zoomed in a little bit more.
7 Q. Let me do that for you. Is that better?
8 A. Yes.
9 Q. What does the scribbling just south of the
10 Moo Maw field signify?
11 A. It's -- to the right is where I sprayed. To
12 the left where the big dot was, I think there was a
13 white truck over in that area.
14 Q. Okay. And so you were marking on the map
15 here where you saw a vehicle and you didn't want to
16 spray there. Is that what you mean?
17 A. Correct.
18 Q. Okay. And do you think that explains why the
19 acreage for the Maxwell field went from 34 acres to
20 17 acres?
21 A. Yes. That would be -- that would be -- that
22 would be right.
23 Q. Okay. All right. And then the other
24 scribbling is to the west of the Moo Maw field and just

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1 a little north. Do you see that?
2 A. Yes. That's probably -- I did that to show
3 where -- that I saw the workers in that field.
4 Q. Okay. And so you are marking on the map the
5 location -- the location of approximately where you saw
6 workers. Is that what you're saying?
7 A. Correct.
8 Q. Okay. Do you recall approximately how many
9 workers you saw in that area?
10 A. No, I do not.
11 Q. Do you believe you saw all of the workers who
12 were in that field?
13 MR. RAVICH: Objection to form.
14 THE WITNESS: I -- I believe I did.
15 BY MR. SCOTT:
16 Q. Okay. How many do you think were there?
17 MR. RAVICH: Same objection.
18 THE WITNESS: I just said I don't know. I didn't
19 count them.
20 BY MR. SCOTT:
21 Q. Well, can you give me your best approximation
22 to the best of your recollection? I mean, are we
23 talking a dozen? Are we talking several dozen?
24 MR. RAVICH: David, this is the same question four

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1 times.
2 THE WITNESS: No. I can't give an answer to that.
3 MR. SCOTT: Okay.
4 THE WITNESS: I don't know.
5 BY MR. SCOTT:
6 Q. So you don't know, for example, if there were
7 a hundred workers in that field; is that right?
8 A. I --
9 MR. RAVICH: Objection to form. Argumentative.
10 MR. SCOTT: I didn't hear your answer, Mr. Ewing.
11 I'm sorry.
12 THE WITNESS: Well, I mean, it's like I -- I
13 answered. I don't know how many was in that field.
14 BY MR. SCOTT:
15 Q. Okay. Do you recall what you told the
16 Illinois Department of Agriculture representative about
17 how many workers you saw in that field?
18 A. No, I don't.
19 Q. And approximately when in time did you make
20 these scribbles on the map?
21 A. It would have been after -- after the fact.
22 Q. And what do you mean by that? After you got
23 back to the airport or something different?
24 A. After I got back to the airport.

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1 Q. Okay. Okay. So in other words -- and by
 2 that time you had -- you had flown over and sprayed
 3 other fields; right?
 4 A. I don't -- honestly, I don't remember.
 5 Q. Okay. Well, let's see.
 6 A. I mean, the time -- the time on the other
 7 sheet would tell you.
 8 Q. Yeah. So if these were -- these were done at
 9 2:35 p.m., there are later times on this page just for
 10 these 13 fields; right?
 11 A. Right. Right.
 12 Q. So at least with --
 13 A. Yeah. I did -- I did do some before I went
 14 back.
 15 Q. Okay. And do you think you sprayed fields
 16 for some of those other four clients after 3:05 p.m.
 17 which is the latest time on this page for Kopp Farms?
 18 A. I don't remember.
 19 Q. Okay. All right. But in any event you had
 20 sprayed multiple other fields, then gone back to the
 21 airport, and at that point this is when you -- that's
 22 when you scribbled down these markings; right?
 23 A. Yes. The markings over on the other field,
 24 not those. I had done those earlier in the -- in what

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1 you call the Moo Maw field or whatever field that's
 2 called, right on the south side of the 94.
 3 Q. Uh-huh. Oh, okay. Well, let me break it
 4 down because now I'm confused.
 5 So let's focus on the markings underneath --
 6 south of the Moo Maw field. Are you saying -- when are
 7 you saying you did those markings?
 8 A. I did those shortly after I finished up
 9 there.
 10 Q. Okay. And shortly after you finished up all
 11 your jobs for the day or this field?
 12 A. This field.
 13 Q. Okay. So -- okay. I understand. And then
 14 it sounds like you're saying the other circle marking
 15 to the northwest of the Moo Maw field, you made that
 16 marking later in the day?
 17 MR. RAVICH: Form.
 18 THE WITNESS: After I went back in, that there was
 19 a complaint.
 20 MR. SCOTT: Yeah. Got it.
 21 THE WITNESS: After the complaint, I went back in
 22 and I scribbled -- I circled where I had seen the --
 23 seen the workers.
 24

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1 BY MR. SCOTT:
 2 Q. Okay. So, in other words, you only put that
 3 mark on the page after you knew that there had been a
 4 complaint; right?
 5 MR. RAVICH: Objection to form.
 6 THE WITNESS: Yes.
 7 BY MR. SCOTT:
 8 Q. Okay. You didn't -- you didn't do that
 9 marking contemporaneously upon seeing people in the
 10 field; right?
 11 MR. RAVICH: Objection to form.
 12 THE WITNESS: I think I just answered that
 13 question by telling you I did it after I got back to
 14 the airport.
 15 MR. SCOTT: Okay. And after the complaint. Yeah
 16 You did.
 17 MR. RAVICH: Form.
 18 BY MR. SCOTT:
 19 Q. All right. I'm going to zoom back out but
 20 tell me if you want me to zoom in again. Okay?
 21 A. Okay.
 22 Q. All right. Going to the fourth page of
 23 Exhibit 3, do you recognize this to be the application
 24 report for your aerial application of the Moo Maw South

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1 field?
 2 A. Yes.
 3 Q. Okay. And do you agree that this -- the map
 4 on this application report also shows your spraying for
 5 the Maxwell field, I believe, south of Moo Maw;
 6 correct?
 7 MR. RAVICH: Objection to form.
 8 THE WITNESS: Now say it again. Ask that one more
 9 time.
 10 BY MR. SCOTT:
 11 Q. Yeah. We talked just a bit ago about this
 12 area south of the Moo Maw field, and we looked at the
 13 Maxwell field that went from --
 14 A. Okay. Yes. Yes. Maxwell field. Yes.
 15 Okay. I just want to make sure I had the names right.
 16 Q. Yeah. So is it your understanding that the
 17 spraying shown south of the Moo Maw field is the
 18 Maxwell field?
 19 A. Correct.
 20 Q. Okay. And this -- based on your testimony
 21 about the scribbling a moment ago that you saw a
 22 vehicle somewhere south of --
 23 A. Yeah.
 24 Q. -- the road; right?

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1 A. Correct.
 2 Q. Okay. And in response on October 31st, 2019,
 3 Ms. Ogden e-mailed Mr. Davis back saying "finally got
 4 it for you;" correct?
 5 MR. RAVICH: Object to form.
 6 THE WITNESS: Yes.
 7 BY MR. SCOTT:
 8 Q. Okay. And you can see in Ms. Ogden's e-mail
 9 from October 31st there is a line for the attachment to
 10 the e-mail; right?
 11 A. Right. Yes.
 12 Q. And the file that she attached to the e-mail
 13 is called Kopp underscore farms underscore 2019.pdf;
 14 correct?
 15 A. Yes.
 16 Q. All right. And the third page of this
 17 exhibit -- and I'll just represent to you that these
 18 documents were produced to us like this in sequential
 19 order. This map is the attachment that Ms. Ogden sent
 20 to Mr. Davis. Do you understand that?
 21 A. Yes.
 22 Q. Okay. And this map that we're looking at,
 23 the third page of Exhibit 4, is this what you called
 24 the as-applied map near the beginning of the

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1 deposition?
 2 A. Yes. I would think that would be close to
 3 it. I'm not sure if that's exactly what they do, but
 4 it's something like that, if not that.
 5 Q. Okay. Is this -- is this image the same or
 6 similar to the as-applied map that you reviewed to
 7 prepare for the deposition?
 8 A. Yes.
 9 Q. Okay. All right. So we're talking about the
 10 same map; is that right?
 11 A. Correct.
 12 Q. Do you have an understanding of how this map
 13 was created?
 14 A. Well, the GPS system that we use in the
 15 plane, it logs your flight and then it's downloaded
 16 back onto the USB stick or downloaded -- excuse me --
 17 downloaded back into their system and the computer
 18 generates this file basically.
 19 Q. And do you get that information from Joe
 20 Curless?
 21 MR. RAVICH: Objection to form.
 22 THE WITNESS: I'm not sure -- I'm not sure what
 23 you're asking. What are --
 24

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1 BY MR. SCOTT:
 2 Q. Okay. Do you know when this map was created?
 3 A. No, I do not.
 4 Q. Do you know who created it?
 5 MR. RAVICH: Objection to form.
 6 THE WITNESS: I would assume Beckey created it
 7 since it was under her e-mails.
 8 BY MR. SCOTT:
 9 Q. Okay. Do you know -- do you know that or are
 10 you just assuming that?
 11 A. I'm assuming.
 12 Q. Okay. Is it your understanding that the red
 13 lines on this map are meant to represent the flight
 14 path your plane flew over these particular fields on
 15 August 5th, 2019?
 16 A. Yes.
 17 Q. And we were looking before the break at the
 18 application report and some of the work order
 19 documentation specific to the Moo Maw fields and then
 20 the Maxwell fields. Is it your understanding that this
 21 map that we are looking at in Exhibit 4 also shows the
 22 Moo Maw field and the Maxwell field?
 23 A. Yes.
 24 Q. And, just for clarity, can you see the 1000

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1 North Road running across -- laterally across the
 2 middle of the map?
 3 A. Yes.
 4 Q. And the field in -- to the north of that road
 5 is the Moo Maw field; correct?
 6 A. I believe so.
 7 Q. And the field to the south of that road is
 8 the Maxwell field; right?
 9 A. Yeah, I believe so.
 10 Q. Okay. And as you testified earlier, you
 11 sprayed both of those fields during -- in the same time
 12 period, one after the other; right?
 13 MR. RAVICH: Objection to form.
 14 THE WITNESS: Yes.
 15 BY MR. SCOTT:
 16 Q. Do you happen to remember or can you tell
 17 from this map which -- which of those two fields you
 18 sprayed first, Moo Maw or Maxwell?
 19 A. I can't tell from this map, but I believe I
 20 sprayed the bigger field first.
 21 Q. Okay. So that's the Moo Maw field; right?
 22 A. Yes, I believe so.
 23 Q. Okay. And can you tell from this map where
 24 you made your first pass spraying on the Moo Maw field?

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1 A. No, not on -- not on this map you can't tell
 2 that.
 3 Q. Is there another map or source you're aware
 4 of that will tell you which swath you sprayed first?
 5 A. No.
 6 Q. You testified earlier that you used the
 7 smoker on the plane while flying over the Moo Maw
 8 field. Do you recall that?
 9 MR. RAVICH: Form.
 10 THE WITNESS: Yes.
 11 BY MR. SCOTT:
 12 Q. Are you able to tell from this map which of
 13 the red lines reflects where you used the smoker?
 14 A. No.
 15 Q. Okay. All right. I want to get a sense of
 16 how many passes you flew over the Moo Maw field first.
 17 And just looking at the red lines here if we count
 18 them, I count 18 different lines that go laterally
 19 east-west or west-east across the Moo Maw field.
 20 Does that look right to you?
 21 A. I can't see the lines good enough to count
 22 them so if that's what you counted.
 23 Q. I think it's less than 20 but close to 20.
 24 Is that -- it's --

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1 MR. RAVICH: Objection to form.
 2 THE WITNESS: It sounds good.
 3 BY MR. SCOTT:
 4 Q. Yeah. And so this is a 94-acre field. Are
 5 you able to tell how wide each swath is that you
 6 sprayed across the Moo Maw field?
 7 A. Either 90 or 95 feet.
 8 Q. So each swath represents 90 or 95 feet of
 9 width?
 10 A. Right.
 11 Q. And is that based on -- what do you base that
 12 on?
 13 A. That's the swath width that we have set in
 14 the GPS that -- our GPS guiding system.
 15 Q. Okay. And how wide is the boom?
 16 A. The boom is 75 percent of the wingspan.
 17 Q. And how wide is the wingspan?
 18 A. I don't remember off the top of my head.
 19 Q. Okay. But is the boom -- are you saying that
 20 the boom is spraying a swath that results in a width of
 21 90 to 95 feet?
 22 A. Yes.
 23 Q. Okay. And so the Moo Maw field -- is it fair
 24 to say the Moo Maw field is oriented east-west or

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1 west-east?
 2 MR. RAVICH: Object to form.
 3 THE WITNESS: Yes.
 4 BY MR. SCOTT:
 5 Q. Okay. But the longer edge of the field
 6 stretches from the west to the east; right?
 7 A. Correct.
 8 Q. Okay. And you flew -- your flight path took
 9 passes over the field that went east-west as well;
 10 right?
 11 MR. RAVICH: Objection to form.
 12 THE WITNESS: Correct.
 13 BY MR. SCOTT:
 14 Q. Are you able to tell from the map whether you
 15 were flying -- well, I guess you would have done both.
 16 You would -- some of your passes would have been from
 17 the east to the west, other passes would have been from
 18 the west to the east; right?
 19 A. Right.
 20 Q. And is there a particular name for this
 21 pattern of passes that you flew over the Moo Maw field?
 22 A. I'm assuming I did a racetrack.
 23 Q. And why did you do a racetrack pattern
 24 over -- over this field?

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1 A. It's just an easier pattern to fly.
 2 Q. And when you fly that racetrack pattern, do
 3 you start on the outside and work your way in?
 4 A. You start on -- you start on one side, then
 5 you're -- then you have -- you start on one side, then
 6 you have one in the middle, and then you work toward
 7 the other -- the -- the swaths stay the same width
 8 apart from -- from each other on a racetrack.
 9 So let's just say you would start down on
 10 the -- say by the -- by the 1000 North Road.
 11 Q. Uh-huh.
 12 A. East North Road. And then you would do a
 13 pass in the middle, and then you would come back and do
 14 a pass on the south side and then back on the middle
 15 again and work your way toward the north.
 16 Q. I see.
 17 A. Each consecutive swath is the same distance
 18 apart as the prior ones.
 19 Q. Okay. And I've got a scale here at the
 20 bottom right of the map that measures 5,000 feet.
 21 About how far from the -- I want to focus on the west
 22 side of the map.
 23 When you exited the west side of the Moo Maw
 24 field to make your turn, about how far would you say

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1 Q. And is that generally true for each of the
2 turns you executed?
3 A. Yes. Pretty much.
4 Q. And then I assume the opposite happens when
5 you come into the back side of the turn and you're
6 going back towards the field, you're descending as the
7 reciprocal rate essentially; is that right?
8 A. Correct.
9 Q. Okay. How fast are you flying -- and I'm
10 sure it changes at different points in the -- in the
11 swath and the turn so can you describe that for me as a
12 layperson as well?
13 A. Yeah. It's probably average 160 to 170 going
14 into the field and across the field. Probably up and
15 down to 110, 120 in the turns.
16 Q. Okay. And then accelerating again to go
17 through the field; right?
18 A. Right.
19 Q. Okay. All right. I follow. Thank you.
20 You mentioned at the end of the swath when
21 you reach the edge of the field taking some action to
22 stop spraying. Can you describe that process for me?
23 What are you doing there?
24 A. Well, you have a spray -- a spray handle to

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1 work the spray valve. You pull it off. You pull it up
2 to turn it off. It closes the -- closes the spray
3 valve which shuts the -- shuts the flow off to the
4 booms. Once you shut the flow off to the booms, the
5 pressure drops. You have the nozzles spring-loaded
6 with diaphragms to close the nozzles off once the
7 pressure hits down on an average of around seven pounds
8 and then you have a negative suck-back on the valve
9 which creates a negative pressure to make sure that the
10 spray is shut off good so everything shuts off clean.
11 Q. Okay. And then the first step in that
12 process is you -- I don't know how to put it. Are you
13 flipping a switch, or are you pulling a lever? What
14 are you doing?
15 A. A lever.
16 Q. Okay. So the first step in that process
17 is -- you cross the western edge of the field, you then
18 pull a lever to start that process of turning off the
19 boom; right?
20 A. No. You do it a little bit before you get to
21 the edge of the field.
22 Q. How far before the edge?
23 A. Just 50 feet, maybe.
24 Q. Okay. And it's a manual lever you're

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1 pulling; right?
2 A. True. Correct.
3 Q. And why do you pull the lever 50 feet before
4 or approximately 50 feet before the edge of the field?
5 A. It gives everything time to shut off clean
6 before you cross the edge of the field.
7 Q. Okay. So there's several other steps that
8 have to happen -- mechanical steps that have to happen
9 to close the boom; right?
10 A. No. I don't know -- I don't understand what
11 you mean several other steps.
12 Q. Well, just the steps you just described to
13 me.
14 A. No. One step closes the spray off to the
15 boom and that's the spray handle.
16 Q. Uh-huh.
17 A. The other steps I was talking about is just
18 the way the system is designed to make sure that that
19 step closes everything off good.
20 Q. Okay. I understand.
21 A. There's -- there's -- once you close that
22 valve, the pressure drops off the boom and then all
23 that other comes into play then.
24 Q. Let me ask you this. And if you don't know,

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1 just tell me. But the data that's gathered in the GPS
2 and I guess reflected on this map, is the underlying
3 data showing when you have pulled the manual lever to
4 turn -- turn it off?
5 A. It's probably just a -- just a split maybe
6 not even a second lag because once you pull it, the
7 pressure goes through and there's a pressure switch
8 which then tells the GPS that it's not spraying
9 anymore. So, I mean, it's like milliseconds.
10 Q. And I guess looking at the Maxwell field
11 portion of the map, for that -- the eastern half of
12 that field that you sprayed, you flew north-south
13 passes across that field; correct?
14 A. Correct.
15 Q. And do you recall why you flew north-south
16 passes for the eastern half of the Maxwell field
17 instead of the east-west passes that you've been flying
18 on the Moo Maw field?
19 A. Because I knew I wasn't going to spray the
20 whole field so I just sprayed up to a certain point.
21 Q. Now this map shows -- I guess we should
22 clarify that the -- do you understand that the green on
23 this map is -- well, let me ask you.
24 What do you understand the green on this map

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1 to be reflecting?
 2 A. It's the application area.
 3 Q. Okay. And that means -- the green is where
 4 you have the boom turned on; is that right?
 5 A. Correct.
 6 Q. Okay. And where the green stops, that's
 7 reflecting you've pulled the lever to turn the boom
 8 off, right?
 9 A. Correct. Very close to it, yes.
 10 Q. The -- in the Maxwell field, the green lines
 11 go across that road, that East 1000 North Road.
 12 Do you see that?
 13 A. Yes, I do.
 14 Q. Does that mean that you sprayed across that
 15 road?
 16 A. Not necessarily. It could be in that little
 17 bit delay.
 18 Q. Okay. And I'm sorry if you said that --
 19 explained that before, but can you explain that to me?
 20 A. Well, it's there -- like I said -- there's
 21 just a millisecond or so delay from where it stops
 22 pinging from where you -- after you shut the spray off.
 23 It's just a -- it's just a little lag in the system.
 24 Q. Okay. I'm going to zoom in a little bit.

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1 Do you see -- how should I describe this --
 2 in the Moo Maw field on the short leg of that L shape
 3 of the field, do you see on the left western side of
 4 that there's a -- it looks like a gap where at least
 5 there's no green? Do you see that?
 6 A. Yes, I do.
 7 Q. What does that reflect?
 8 A. Reflects I didn't turn my spray on until I
 9 was in the field just a little bit.
 10 Q. Okay. And why would you have done that?
 11 A. I just -- just didn't get it turned on in
 12 time.
 13 Q. Okay. And so flying all of the paths we see
 14 in red here for these two fields, you approximated that
 15 took you about 20 minutes or so to do; is that right?
 16 A. Approximately. I don't remember exactly but
 17 approximately.
 18 Q. Okay. Do you see the road number 2543 East
 19 on the map?
 20 A. Yes.
 21 Q. North on that road do you see a house?
 22 A. Yes.
 23 Q. You flew pretty close to that house, didn't
 24 you?

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1 MR. RAVICH: Object to form.
 2 THE WITNESS: Yeah.
 3 BY MR. SCOTT:
 4 Q. Why did you do that?
 5 A. It's not like I was down close to the house.
 6 I was way up in the turns.
 7 Q. Okay. So that wasn't a concern flying over
 8 that house?
 9 A. No.
 10 Q. Okay. So at what point during these red
 11 flight paths that we see here -- to the best you can
 12 tell me, at what point did you see workers in the field
 13 to the west of Moo Maw?
 14 MR. RAVICH: Form.
 15 THE WITNESS: Honestly, I don't remember which way
 16 I came in, but I saw them before I got to the field.
 17 BY MR. SCOTT:
 18 Q. Okay. So on one of these red lines that's
 19 coming from off the -- off the screen probably; right?
 20 A. Yes.
 21 Q. Okay.
 22 A. More -- more than likely.
 23 Q. Do you -- do you recall any characteristics
 24 of the workers that you saw? What they were wearing,

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1 for example?
 2 A. It seemed maybe they had orange -- some
 3 orange on. Usually the workers wear orange or yellow
 4 or the bright green safety colors.
 5 Q. Okay. And you recall seeing neon colors like
 6 that?
 7 A. Yeah, I do. I recall. It seems like I do.
 8 Q. Do you recall what kind of crop was growing
 9 in the field where they were working?
 10 A. I'm assuming it was seed corn.
 11 Q. Okay. Yeah, they were detasseling; right?
 12 A. I assume that's what they were doing. That's
 13 usually what they do.
 14 Q. Okay. And this was then early August. Do
 15 you recall how tall the corn was at that time?
 16 A. Probably -- I'd guess 5 or 6 feet to 4 or
 17 5 feet. The seed corn is generally not real tall.
 18 Q. When you -- so you said you saw some workers
 19 on your entry flight into this area; is that right?
 20 MR. RAVICH: Object to form.
 21 THE WITNESS: Correct.
 22 BY MR. SCOTT:
 23 Q. And you -- and when you -- when you saw the
 24 workers that you saw, did -- did you report that to

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1 anybody?
 2 A. No.
 3 Q. Didn't radio back to the Curless airport or
 4 offices?
 5 A. No.
 6 Q. Why not?
 7 A. I didn't see an issue.
 8 Q. You told me earlier about how you decided
 9 only to spray the eastern half of the Maxwell field and
 10 to not spray the western half of the Maxwell field.
 11 Do you recall that?
 12 A. Yes.
 13 Q. And you made that decision because there was
 14 a white truck in the vicinity of the Maxwell field;
 15 right?
 16 A. Correct.
 17 Q. Did you radio back to the offices or the
 18 airport to report that change of plans?
 19 A. No.
 20 Q. Why not?
 21 A. There -- there wasn't an issue. I stayed
 22 away from them far enough.
 23 Q. Was there any protocol though where if you
 24 saw something like that that made you change your

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1 spraying plans that you would report that back to
 2 Curless offices?
 3 A. If I would have got there and decided that it
 4 wouldn't have been safe to spray the fields, I would
 5 have called back and told someone I can't spray these
 6 fields, I'll have to do something else.
 7 Q. Okay. But because you went ahead and sprayed
 8 half of it, you didn't feel the need to make that call?
 9 A. Correct.
 10 MR. RAVICH: Form.
 11 BY MR. SCOTT:
 12 Q. Now, you could have sprayed the Moo Maw field
 13 using north-south passes just like you did for the
 14 Maxwell field, couldn't you have?
 15 A. Correct. I could have.
 16 Q. And yet you chose not to do that. Why did
 17 you choose not to do that?
 18 A. Because that's the -- that's the most logical
 19 way to spray that field.
 20 Q. When was the first time you saw this
 21 particular map we're looking at in Exhibit 4?
 22 A. I -- I don't really recall when the first
 23 time I saw it.
 24 Q. Okay. Was that -- was it recently?

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1 MR. RAVICH: Form.
 2 THE WITNESS: I think that's the same one that Joe
 3 sent me or I think that's what -- I think that's the
 4 one that he sent me.
 5 BY MR. SCOTT:
 6 Q. Okay. And is that what you told me about
 7 earlier when Joe had sent you an e-mail with an
 8 as-applied map?
 9 A. Yes.
 10 Q. Okay. And do you have a recollection of
 11 whether that was a year ago or more or less?
 12 MR. RAVICH: Same objection.
 13 THE WITNESS: It was less.
 14 BY MR. SCOTT:
 15 Q. Okay. So within the last year?
 16 A. Yes.
 17 Q. Okay. All right. I'm going to keep this
 18 map -- this exhibit up for the moment. I'm going to
 19 pull up another exhibit so I'm going to transition
 20 here. Hold on. Okay. I've just put Ewing Deposition
 21 Exhibit 5 in the chat, and I'm going to open it and
 22 share my screen for Mr. Ewing.
 23
 24

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1 (EWING Exhibit Number 5 marked
 2 for identification.)
 3 BY MR. SCOTT:
 4 Q. Okay. Mr. Ewing, is a document showing on
 5 your screen?
 6 A. Yes.
 7 Q. Okay. And I'll just note for the record that
 8 I'm marking this as Deposition Exhibit 5 for your
 9 deposition. It's a one-page document. It comes out of
 10 the discovery production from Curless and Farm Air. As
 11 you can see sideways here on the left, the Bates number
 12 is Curless 000021.
 13 A. Okay.
 14 Q. And I know it's a -- not the most easiest to
 15 view document, but this is just how it came to us.
 16 Have you seen this before?
 17 A. No.
 18 Q. Okay. Any sense of what this map depicts?
 19 A. No.
 20 Q. Okay. All right. So on the right-hand side
 21 do you see a rectangle that has a circle that says
 22 plane in the middle? Do you see that?
 23 A. Yes.
 24 Q. And then do you -- just judging by the map

<p style="text-align: right;">Page 194</p> <p>1 STATE OF ILLINOIS) 2) SS: 3 COUNTY OF C O O K) 4 I, RYAN K. KOHLER, a Certified Shorthand 5 Reporter for the State of Illinois, do hereby certify 6 that heretofore, to-wit, on October 29, 2024, 7 personally appeared before me, remotely via Zoom 8 videoconference, MICHAEL EWING, in a cause now pending 9 and undetermined in the United States District Court 10 for the Central District of Illinois, Springfield 11 Division, wherein HADA GARCIA, et al., is the 12 Plaintiff, and PIONEER HI-BRED INTERNATIONAL, INC.; 13 CORTEVA, INC.; RAS AVIATION, L.L.C.; FARM AIR, INC.; 14 and CURLESS FLYING SERVICE, INC. are the Defendants. 15 I further certify that the said witness was 16 first duly sworn to testify the truth, the whole truth 17 and nothing but the truth in the cause aforesaid; that 18 the testimony then given by said witness was reported 19 stenographically by me in the presence of the said 20 witness, and afterwards reduced to typewriting by 21 Computer-Aided Transcription, and the foregoing is a 22 true and correct transcript of the testimony so given 23 by said witness as aforesaid. 24 I further certify that the taking of this</p>	
<p style="text-align: right;">Page 195</p> <p>1 deposition was pursuant to Notice, and that there were 2 present at the deposition the attorneys hereinbefore 3 mentioned. 4 I further certify that I am not counsel for 5 nor in any way related to the parties to this suit, nor 6 am I in any way interested in the outcome thereof. 7 IN TESTIMONY WHEREOF: I have hereunto set my 8 hand and affixed my notarial seal this 10th day of 9 November, 2024. 10 11 12  13 _____ 14 Ryan K. Kohler 15 Thompson Court Reporters 16 ILLINOIS CERTIFIED SHORTHAND REPORTER 17 LICENSE NO. 084-004747 18 19 20 21 22 23 24</p>	

724



COPY

Assigned to: /

Acres Applied			
Pilot/Operator	ME		
Pest. Lic. #			
N#/Equipment	821		
Airport	J		
App. Date	8-5		
Start Time			
End Time	2:35		
Temperature			
Wind Direction			
Wind Speed			
Rinsate	<input type="checkbox"/> None <input type="checkbox"/> N/A	<input type="checkbox"/> None <input type="checkbox"/> N/A	<input type="checkbox"/> None <input type="checkbox"/> N/A
	<input type="checkbox"/> Applied to Field	<input type="checkbox"/> Applied to Field	<input type="checkbox"/> Applied to Field

Center: 40° 12.129', -88° 39.9483'

Polygon #: 15

State, County: IL, De Witt

Township: Santa Anna

Tier & Range: 8-20N-5E

Acres: 94

Crop: Soybeans

Pest: Disease and insects

Customer: Evergreen FS - Wapella

Grower: Kyle Kopp - Kopp Farms

Grower Phone:

Field name(s): MOO MAW SOUTH

Job Type: Aerial Application

Start Date Aug 04	End Date Aug 09
Assigned App. Date: Aug 05	

Job #: 1356338 Batch #: 724

Created By: Ron Reynolds - 217-935-9533

Airport: CFS East

Miles to job: 31.41 (107°)

GPA: 2.00

Products: Avaris 2XS^C (10.5 flozs - 7.71 gallons)

Coron 25-0-0 .5 B^C (1.0 gallon - 94.0 gallons)

Sultrus^C (1.6 flozs - 1.18 gallons)

Comments: Tach Hours _____ Starts _____ Flights/Landings _____

Hada Garcia, et al. v. Pioneer Hi-Bred International, Inc.; et al.
Deposition of Joseph Curless - Taken 9/13/2024

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

HADA GARCIA, et al.,)	
)	
Plaintiffs,)	
)	
-vs-	)	No. 3:20-cv-03322
)	
PIONEER HYBRID INTERNATIONAL,)	
INC.; CORTEVA, INC.;)	
RAS AVIATION, L.L.C.; FARM AIR,)	
INC., and CURLESS FLYING)	
SERVICE, INC.,)	
)	
Defendants.)	

The 30(b)(6) deposition of Curless Flying Service by JOSEPH CURLESS, called for examination, taken via videoconference pursuant to the Federal Rules of Civil Procedure of the United States District Court pertaining to the taking of depositions, taken before MARY T. MURPHY McGUIRK, a Certified Shorthand Reporter of said state, on September 13, 2024, at 9:00 a.m.

Royal Reporting Services, Inc.
312.361.8851

CURLESS002966

Hada Garcia, et al. v. Pioneer Hi-Bred International, Inc.; et al.
Deposition of Joseph Curless - Taken 9/13/2024

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1 BY MR. LINDSEY:

2 Q. Well, I can make that bigger just to focus for
3 a moment on your number. Do you see it now?

4 A. Oh, yeah.

5 MR. RAVICH: Just wanted to make sure we're --

6 MR. LINDSEY: Sorry.

7 MR. RAVICH: Go ahead.

8 MR. LINDSEY: Just want to make sure we're
9 correctly identifying -- we're looking at the same
10 document.

11 THE WITNESS: Yeah.

12 BY MR. LINDSEY:

13 Q. So let me bring it back down here. I'm going
14 to try to get the whole document on the screen. So do
15 you recognize this document?

16 A. Yes, sir.

17 Q. And what is it?

18 A. It would be the as-applied field for Kopp
19 Farms, the customer, the farmer customer that we worked
20 for. The red would have been his track, the airplane's
21 track without spraying, no spray, but that would have
22 been where the airplane flew. And the green area would
23 also be where he flew, but there's where he actually
24 applied the products that were requested of us to apply

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1 on his -- on his field.

2 Q. And I think we'll see it in other documents,
3 but is this, if you know, what's referred to as the Moo
4 Maw Field?

5 A. Well, that's what he calls it. Probably the
6 customer, the Kopp Farms, the customer, who I do not
7 know, that would have been his nickname or alias for the
8 field.

9 Q. So the field itself would be where it's green,
10 or is it a larger area? Can you tell from this map?

11 MR. RAVICH: Object to form.

12 BY THE WITNESS:

13 A. That would have been the area that we'd been
14 asked to be treated.

15 Q. Well, you said a minute ago the green is where
16 it was actually sprayed, correct?

17 A. Right.

18 Q. So how would you know if that is actually the
19 complete field or more than the complete field?

20 MR. RAVICH: Object to form.

21 BY THE WITNESS:

22 A. We have -- we have a boundary. There's
23 another map that the pilot will take with him in the
24 cockpit, a single map, that gives the boundary of the

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1 they think the workers were located.

2 BY MR. LINDSEY:

3 Q. Do you know who generated this document?

4 A. No, sir.

5 Q. Do you know who generated the other document
6 we were looking at, the as-applied, as you called it?

7 MR. RAVICH: Form.

8 BY THE WITNESS:

9 A. I did.

10 BY MR. LINDSEY:

11 Q. And how did you generate that document?

12 MR. RAVICH: We're talking about Curless 6?

13 MR. LINDSEY: Correct.

14 MR. RAVICH: Do you want to see it?

15 THE WITNESS: Yeah, I want to see it.

16 MR. LINDSEY: Do you want to go back?

17 THE WITNESS: Sure.

18 BY THE WITNESS:

19 A. Okay. There is a GPS unit in the aircraft,
20 and there's a monitor, a TV screen, if you will, right
21 in front of the pilot that shows the boundary. That's
22 all tied to a GPS unit in the aircraft itself.

23 So as the aircraft travels, it knows
24 whether it's spraying or not by a microswitch. So when

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1 we're ferrying, which would be the red lines, or just
2 cruising, just no different than a jet, going from East
3 Coast to West Coast -- they're just traveling along --
4 it would be a red line. And when the spray is on or the
5 spray off -- sorry. When the spray is on through the
6 microswitch, it turns it green and shows it painting.
7 We refer to it as painting. Okay. But that shows where
8 the spray was on and the spray was off on the field.

9 And what's that really done is to
10 illustrate to the pilot where he has sprayed and where
11 he has not. It is a sea of corn up there. It is
12 thousands of acres, and we get -- you can't remember
13 where you've been in the sea of corn. And this allows
14 us to know that we've properly blanketed or covered the
15 field properly for the customer that's paying a large
16 bill. That would be where the green is at, and that's
17 why we utilize it.

18 That data is recorded on a -- on the hard
19 drive and then of the computer. At the end of the day
20 or every couple of days, I go down. I personally go in
21 and download that information from the aircraft to
22 communicate that mainly to the customers. So the farmer
23 that's paying the bill knows where we've sprayed, and we
24 haven't made a mistake. And he knows it's done. It

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1 kind of gives him a verification that our -- or
2 confirmation that we were there.

3 Sometimes I've heard customers that are
4 paying the bill, they're in Florida or they're at the
5 lake with their families. And they can get on their
6 computers and look at their computer and say, oh, they
7 got that field done and that field done, but why didn't
8 we get this field done for whatever reason? And then
9 they can -- they talk to the co-op, their point of
10 contact at the co-op, and then that minimizes our
11 discussion from the farmer to us during the summertime
12 when we've got fewer people to talk to during the
13 summer. And that's really what it's used for.

14 So they record the data. They let it ride
15 all day long in the airplane. And at the end the day, I
16 pull it off, and then that helps us communicate clearly
17 to the customer where we sprayed and where we did not
18 and where the airplane flew as well. It's kind of like
19 your iPhone. It tracks you all the time now, too.

20 BY MR. LINDSEY:

21 **Q. I'm going to attach another document, and then**
22 **I'll screen share it. We're going to be looking at this**
23 **same document again put together with a preceding email.**
24 **Apologizing in advance or again for my less-than-perfect**

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1 assuming that microswitch works correctly.

2 **Q. And how do you determine if it's working**
3 **correctly, or how does the pilot determine that?**

4 A. It's painting. It shows him, yeah, I've got
5 the handle down and it's painting. As he flies across
6 field, he can actually see it on his monitor. I mean,
7 it's a couple of seconds behind, but it's still, you
8 know, all the computer hooking together. But it's still
9 doing it as he flies. And, again, this is confirming to
10 him, the pilot, that he has treated the field properly
11 for the customer that has asked the job to be done.

12 **Q. So looking down toward the bottom of the green**
13 **portion, it looks like there's a gray line that says**
14 **East 1000 North Road; is that right?**

15 A. Yeah.

16 **Q. So that's an actual road?**

17 MR. RAVICH: Object to form.

18 BY THE WITNESS:

19 A. I assume it's gravel or blacktop road of some
20 sort. Yes, sir.

21 BY MR. LINDSEY:

22 **Q. Okay. And the plane would have sprayed**
23 **according to these green lines across that road; is that**
24 **right?**

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1 A. You say across?

2 Q. Well, it looks like there's green lines that
3 are on top of that gray line that we just identified as
4 East 1000 North Road, correct?

5 MR. RAVICH: Object to form. You're asking
6 him to confirm what you're seeing?

7 BY MR. LINDSEY:

8 Q. Well, is that what that looks like to you,
9 Mr. Curless?

10 MR. RAVICH: Form.

11 BY THE WITNESS:

12 A. The -- how do I say this properly? It is a
13 microswitch. The airplane is traveling 140 mile an
14 hour. If you look at the bottom of that, where you're
15 questioning, where it's jagged at the bottom, that is
16 cast -- they refer to as castling. There is nothing --
17 this is wrapped imagery around the Earth, and the GPS
18 may not be recording absolutely perfectly. So, in other
19 words, there could be a lead or there could be lag on
20 the GPS. Same thing happens in a yield monitor in a
21 combine to show yield. Same concept is used. And so it
22 gives you the general idea of what we applied and where
23 we did not. It is not absolutely perfect.

24 Q. Well, do you believe that on this flight the

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1 **pilot would have sprayed over that road that we see?**

2 MR. RAVICH: Form.

3 BY THE WITNESS:

4 A. I doubt it.

5 BY MR. LINDSEY:

6 **Q. And why?**

7 A. Why? Wasting product.

8 **Q. Are there protocols for spraying over roads?**

9 A. We ask them not to.

10 **Q. But in your experience, do pilots spray over**
11 **the road if there's a road that's in the middle of their**
12 **path like this?**

13 MR. RAVICH: Form.

14 BY THE WITNESS:

15 A. I have no idea.

16 BY MR. LINDSEY:

17 **Q. So in your experience, you don't have any**
18 **knowledge of whether or not that happens?**

19 MR. RAVICH: Object to form.

20 BY THE WITNESS:

21 A. Do you know what your kids do every day?

22 BY MR. LINDSEY:~

23 **Q. Well, when you say you ask them, is it a**
24 **written instruction or guideline or -- or just an oral**

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1 BY MR. LINDSEY:

2 Q. Do you think that -- well, it's been a while
3 since we mentioned Mr. Ewing. I think we established
4 that this was the August 5th job that Mr. Ewing did that
5 we were talking about earlier; is that correct?

6 A. Yes, sir.

7 Q. Do you think that at any point Mr. Ewing
8 sprayed any of the workers in this lawsuit?

9 A. No, sir.

10 Q. And why would you say that?

11 A. As applied, the green area illustrates where
12 he sprayed.

13 Q. Any other reasons?

14 A. For my -- personally for me, that's exactly
15 what I'm looking for from him. I think he did a
16 fantastic job.

17 Q. Do you think Mr. Ewing ever flew over the
18 workers?

19 MR. RAVICH: Could you repeat the question? I
20 didn't hear it.

21 BY MR. LINDSEY:

22 Q. I asked if Mr. Ewing -- if Mr. Curless
23 believes that Mr. Ewing flew over the workers?

24 A. Probably.

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1 Q. And why do you say that?

2 A. Where were the workers at on this map?

3 Q. Why do you think he flew over them?

4 MR. RAVICH: Object to form, lack of
5 predicate.

6 BY THE WITNESS:

7 A. I'm asking you where the workers were at.

8 BY MR. LINDSEY:

9 Q. Well, I get to ask the questions. Sorry,
10 Mr. Curless. You did say you thought that he flew over
11 the workers. So I'm asking you why you thought that or
12 why you --

13 MR. RAVICH: Object to -- object to form.

14 BY MR. LINDSEY:

15 Q. Well, let me start over. So as you know, the
16 workers in this case have alleged that the plane flew
17 over the field where they were working. So my question
18 a minute ago was, do you think the plane flew over the
19 workers, and I believe you said yes. And so now I'm
20 following up and asking why you think so, why you think
21 that is the case.

22 MR. RAVICH: Object to form.

23 BY MR. LINDSEY:

24 Q. What leads you to believe that the plane flew

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1 **over the workers?**

2 MR. RAVICH: Object to form, speculative.

3 BY THE WITNESS:

4 A. Do airplanes fly over O'Hare in the city of
5 Chicago? And people?

6 BY MR. LINDSEY:

7 Q. In any event, you believe that the airplane
8 may well have flown over them?

9 MR. RAVICH: Object --

10 BY MR. LINDSEY:

11 Q. But I think it's fair to say you don't think
12 that the airplane sprayed them; is that correct?

13 MR. RAVICH: Object to form.

14 BY MR. LINDSEY:

15 Q. Is that correct, Mr. Curless? You can answer.

16 MR. RAVICH: Object to form.

17 If you understand.

18 BY THE WITNESS:

19 A. I understand.

20 They did not spray them. He did not spray
21 them.

22 BY MR. LINDSEY:

23 Q. I understand that, but you also said you
24 thought that he did fly over them.

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1 MR. RAVICH: Dan, we've been over this a
2 number of times. It's been asked and answered.

3 MR. LINDSEY: And then I asked why he believed
4 that, and he has not answered that question.

5 BY THE WITNESS:

6 A. Can I use an example, sir?

7 BY MR. LINDSEY:

8 Q. Sure.

9 A. Are you at an office building today or are you
10 at home? The point being is, if you walked -- if a
11 school bus or a city bus was on the road and you were on
12 the sidewalk, you're going one direction, the city bus
13 or the school bus was going the opposite direction or
14 the same direction. It's pretty much irrelevant. They
15 were doing a job, and you were doing a job. You were
16 going to work this morning. They were delivering their
17 kids or their school bus riders, and they were both
18 doing a job safely.

19 That example is exactly what Mike did. He
20 did a job perfectly correct, in my mind. Did he fly
21 over them? It's very possible. But airplanes at O'Hare
22 or other airports every day fly over people. Those
23 pilots doing those jobs in those aircraft are doing
24 perfectly good jobs landing those aircraft, but they're

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1 also flying over people, just like Mike perhaps flew
2 over the people. But you haven't told me where they
3 were at.

4 Q. Well, but I think what you're saying --
5 correct me if I'm wrong -- is he may well have flown
6 over them, but that doesn't mean he sprayed them and you
7 don't believe that he sprayed them because you think the
8 spray was only on this green patch that we've been
9 looking at. Is that --

10 MR. RAVICH: Object to form.

11 BY MR. LINDSEY:

12 Q. -- is that right?

13 MR. RAVICH: Objection to form.

14 BY THE WITNESS:

15 A. Correct.

16 BY MR. LINDSEY:

17 Q. Okay.

18 MR. LINDSEY: Why don't we take a break.

19 It's 10:45. Should we come back at 11:00,

20 Tim?

21 MR. RAVICH: That's fine. That's fine with

22 us. I've got a --

23 THE WITNESS: 15 minutes.

24 MR. RAVICH: Yeah, that's fine. Thank you.

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1 and there are -- how do I say this properly? -- other
2 areas that, you know, we -- I'm trying to think how to
3 say this. I'm kind of running out of mental steam here.

4 If it's close in proximity, then we might
5 check on, you know, if there's other people around, but
6 the -- if it's a reasonable distance, then we're fine to
7 do the application and no communication exists.

8 **Q. And what would be a reasonable distance?**

9 A. Quarter mile. 1500, 2,000 feet and closer.
10 You know, that's pretty tight.

11 **Q. So if somebody were within a quarter mile, you**
12 **would communicate; is that what you're saying?**

13 MR. RAVICH: Object to form.

14 BY MR. LINDSEY:

15 **Q. Well, you said a quarter mile, so I am just**
16 **trying to make sure I understand. It sounds like you're**
17 **saying if there was a -- something going on or --**

18 A. If we had the information.

19 MR. RAVICH: There's no question for you.

20 BY MR. LINDSEY:

21 **Q. If you had the information that there was**
22 **something going on within a quarter mile, you would**
23 **communicate with them before the application; is that**
24 **right?**

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1 MR. RAVICH: Object to form.

2 BY THE WITNESS:

3 A. It's possible.

4 BY MR. LINDSEY:

5 Q. Brandon stated his supervisors reported that
6 the application was taking place at a field a quarter to
7 a half a mile to the east.

8 Would that be the approximate location of
9 the field that we've been talking about, the Kopp Farms
10 field?

11 MR. RAVICH: Form.

12 BY THE WITNESS:

13 A. I would assume so.

14 BY MR. LINDSEY:

15 Q. And that the plane was making turns over the
16 top of the crew. Is that something that you think could
17 have happened, that the plane might have taken turns
18 over the top of the crew?

19 MR. RAVICH: Form.

20 BY THE WITNESS:

21 A. Just like flying into O'Hare. That's
22 possible.

23 BY MR. LINDSEY:

24 Q. So let me read this statement here. "Corteva

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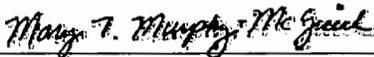
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REPORTER'S CERTIFICATE

1
2
3 I, Mary T. Murphy McGuirk, a Certified
4 Shorthand Reporter of the State of Illinois, do hereby
5 certify that the foregoing was reported via
6 videoconference by stenographic and mechanical means,
7 which matter was held on the date and at the time and
8 place set out on the title page hereof, and that the
9 foregoing constitutes a true and accurate transcript of
10 same.

11 I further certify that I am not related to
12 any of the parties, nor am I an employee of or related
13 to any of the attorneys representing the parties, and I
14 have no financial interest in the outcome of this
15 matter.

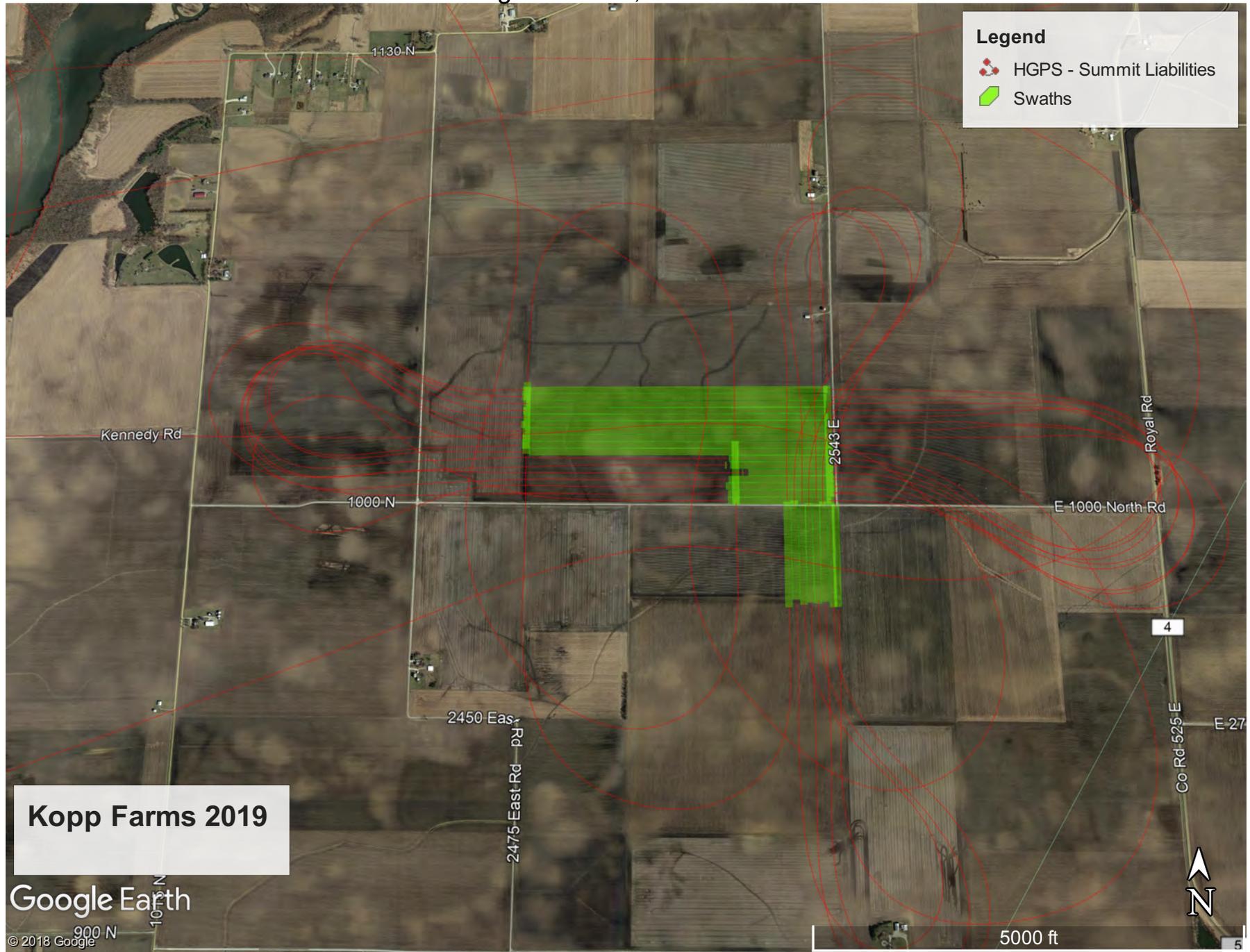
16 IN WITNESS WHEREOF, I do hereunto set my hand
17 in Tinley Park, Illinois, this 8th day of October, 2024.

18
19
20 
21 _____
22 Mary T. Murphy McGuirk
23 Certified Shorthand Reporter
24 CSR Certificate No. 84-4160



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Curless000118

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

HADA GARCIA,)	
)	
Plaintiff,)	
)	
vs.	)	Case Number
	)	3:20-cv-3322-STEM-TSH
PIONEER HI-BRED)	
INTERNATIONAL, INC.,)	
CORTEVA, INC., RAS)	
AVIATION, LLC, FARM AIR,)	
INC., and CURLESS FLYING)	
SERVICE, INC.,)	
)	
Defendants.)	

The remote videoconference deposition of MARIA ZUNIGA, taken in the above-entitled cause, before Paula Ann Erickson, Certified Shorthand Reporter, Registered Professional Reporter and Notary Public, on July 3, 2024, at the approximate hour of 9:00 a.m.

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CURLESS000724

1 to go to school while I start working.

2 Q. Okay. Now, in terms of the incident on
3 August 5th, can you just walk me through what a
4 typical workday for you would have been like at
5 Pioneer at that time in 2019?

6 A. What do you mean?

7 Q. Just walk me through from when you wake
8 up in the morning, what was your typical day
9 like.

10 A. When we worked there?

11 Q. Yeah.

12 A. We would just prepare all the stuff.
13 We would make lunch. I would get the kids
14 ready, get their diaper bag ready. I would have
15 all of my gear, like face mask, the hats, a
16 jacket. Let's see. My shoes or boots, and I
17 think we would go from our hotel to the other
18 hotel, and the kids would go into the room with
19 the babysitter.

20 Then we would leave. Go finish fields,
21 then come back, pick up the kids from the
22 babysitter, and then go home.

23 Q. Okay. Now on that particular day in
24 August, there were -- how did you get to and

1 Q. Okay. So it flew over a line in the
2 field that other workers were in, correct?

3 A. Yes. Yeah. It kind of flew across,
4 like, the field.

5 Q. Okay.

6 A. Like, across kind of almost.

7 Q. It did not fly directly over where you
8 were standing at the time, correct?

9 A. When it went over, it did.

10 Q. Okay. How many times did it pass over
11 the fields?

12 A. I think it was, like, two.

13 Q. Two times. Okay. Now, I have read
14 your allegations -- your discovery responses and
15 you are not alleging that you were directly
16 sprayed by this aircraft on August 5th of 2019;
17 is that correct?

18 A. Can you say that again?

19 Q. You are not alleging in the complaint
20 or your discovery responses that this aircraft
21 on August 5th -- on August 5th of 2019 directly
22 sprayed you?

23 A. I don't know what that means.

24 Q. You were not directly sprayed by this

1 THE WITNESS: I started getting dizzy.
2 My throat was, like, itchy. I started getting
3 nauseous. My throat was kind of hurting a
4 little bit.

5 BY MS. DANCY:

6 Q. Okay. So you were riding in the truck
7 with your father to and from the fields,
8 correct?

9 A. Yes.

10 Q. Okay. And your father and brother were
11 working -- and other family members were working
12 in the fields at this time of the alleged
13 exposure?

14 A. Can you say that again?

15 Q. Your family members were actually in
16 the fields at the time of the alleged exposure
17 on August 5th of 2019?

18 A. Yes. They were in the field.

19 Q. Okay. And who notified your family
20 members of the alleged exposure on August 5th of
21 2019?

22 A. I did.

23 Q. Okay. And did they also speak with
24 anyone from Pioneer before leaving the fields?

1 from the babysitter telling us if we could
2 please hurry to go get the kids.

3 Q. Okay. And you didn't shower or change
4 your clothes before picking your children up?

5 A. No.

6 Q. Okay. So after you got your kids, what
7 happened after that?

8 A. After that, I think my cousin
9 started -- I think that was -- I think he
10 started passing out in the truck. He wasn't
11 able to breathe and he started fainting, and I
12 had to keep trying to get him to wake up, and my
13 dad drove us to the hospital.

14 Q. Okay. Did you have your children with
15 you at the time?

16 A. Yes. They ended up having to get
17 sprayed off, too, because they were with me.

18 Q. Okay. Okay. So you all just drove to
19 the hospital together?

20 A. Yes.

21 Q. Okay. You never went back to the
22 hotel?

23 A. No.

24 Q. Okay. So you-all went to Carle? This

1 calling the company and he is telling them that
2 the plane is going over us and that he looked
3 like he didn't know what he was doing, and then
4 I think her name was Melia. I'm not sure what
5 her name is but the boss's wife she was there;
6 and she asked can they go back in or are they
7 allowed to finish. And he was, like, yeah.
8 Yeah. They said yeah.

9 And then the plane ended up passing
10 again and Dylan was, like, Does this guy not see
11 us? And he flipped off the plane, and he was
12 still on the phone with the company; and he is
13 like I don't know what this guy's problem is and
14 people started getting out and they started like
15 panicking and getting scared. And I guess
16 that's when they had called -- like, called it
17 off, like everyone get out.

18 And I told my dad get out because they
19 don't know what they are doing. And some of the
20 workers are getting sprayed. There is people
21 taking off their shirts; and my dad and my
22 brother and my cousin they all ran out.

23 Q. Okay. So you called your dad when you
24 first saw the airplane?

C E R T I F I C A T E

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I, Paula Ann Erickson, Certified Professional Reporter, Registered Professional Reporter and Notary Public, do hereby certify:

That the witness in the foregoing deposition named was present at the time and place therein specified;

That the said proceeding was taken before me as a Notary Public at the same time and place and was taken down in shorthand writing by me;

That this transcript is a true and accurate transcript of my shorthand notes so taken, to the best of my ability.

I further certify that I am neither counsel for nor related to or employed by any of the parties to this action and that I am not a relative or employee of any counsel employed by the parties hereto or financially interested in the action.

Paula Ann Erickson

Paula Ann Erickson
Certified Shorthand Reporter
Registered Professional Reporter
License No. 084-003899
Notary Public

Dated this 16th day
of September, 2024.



CURLESS000868

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

HADA GARCIA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
PIONEER HI-BRED INTERNATIONAL,	)	3:20-cv-3322-STEM
INC.; CORTEVA, INC.; RAS	)	-TSH
AVIATION, LLC; FARM AIR, INC.;)	
and CURLESS FLYING SERVICE,)	
INC.,)	
)	
Defendants.)	

The video teleconference deposition of RAMON HERNANDEZ, JR., called for examination, taken pursuant to the Federal Rules of Civil Procedure for the United States District Courts, taken before KAREN L. PILEGGI, CSR No. 84-3404, a Notary Public, within and for the County of DuPage, State of Illinois, Certified Shorthand Reporter within and for the State of Illinois, Registered Merit Reporter, August 23, 2024, at the approximate hour of 9:00 AM.



CURLESS001107

1 will use the word spray.

2 MR. RAVICH: Interpreter, what does the word
3 mean to you?

4 THE INTERPRETER: I don't know because if
5 counsel wants to say spray, I assume I'm not
6 familiar with this industry, but I know that planes
7 pass and throw a spray. If you want me to use
8 spray, I have no problem.

9 MR. RAVICH: I'm going with whatever the
10 interpreter says and you can object at some point
11 later.

12 MS. CARHART: Okay.

13 BY MR. RAVICH:

14 Q. How do you know that pesticide was thrown
15 at you?

16 A. Because they went by there, up from where
17 we were.

18 Q. How do you know pesticide was what was
19 thrown at you?

20 A. Because of the smell. It was a very
21 strong smell. The planes are not spraying water.
22 It's pesticide.

23 Q. How do you know that?

24 A. How do I know this? Because you feel bad

1 Q. What time did you get at the hospital?

2 A. I don't remember the time, but it
3 happened in the morning and I leave in the evening.

4 Q. To be clear, you arrived at the hospital
5 on August 5th, 2019, in the morning?

6 A. No, it wasn't on August 5th. On August
7 5th, they spray. I arrive on August 6th.

8 Q. You went to the hospital the next day
9 after the aerial spray?

10 A. No. No. Only that day on August 6th.

11 Q. I'm not understanding. On August 5th you
12 claim that an airplane threw pesticides at you,
13 correct?

14 A. Correct. Good.

15 Q. You went to the hospital the next day,
16 August 6th?

17 A. Yes, because when I start feeling bad, it
18 was midnight.

19 Q. Describe how you felt bad at midnight on
20 August 6th.

21 A. I was feeling like my breathing was
22 failing a little bit. Heavy chest. I was having
23 nausea. My eyes were like crying, watery. And my
24 face was itching.

1 I'm going to get off the bus and then I'm going to
2 go in.

3 Q. When did you first see an airplane on
4 August 5th, 2019?

5 THE INTERPRETER: One second for the
6 interpreter.

7 BY THE WITNESS:

8 A. That day, all of a sudden, they show up
9 spraying pesticide.

10 BY MR. RAVICH:

11 Q. Yes, I understand that's your position.
12 I'm asking you about what you saw. Did you see an
13 airplane fly that day?

14 A. Yes. Yes.

15 Q. Describe what you saw in as much detail
16 as you recall.

17 A. It happened all of a sudden. We were
18 working when the plane appear spraying the
19 pesticide.

20 Q. What did you see?

21 A. That the spray came upon us. You can
22 feel it. You can see it on the corn. It's like
23 rain.

24 Q. Like light rain, medium rain, heavy rain?

1 on this line of questioning.

2 MS. CARHART: I think we're going to go until
3 11:55 and then we're going to need a break.

4 MR. RAVICH: I'm going to go until I finish the
5 questions on this line and then we'll stop and that
6 will be soon.

7 BY MR. RAVICH:

8 Q. Did you go back into the field?

9 A. That was a tremendous decision that they
10 made there. I swear that they send us back there.

11 Q. What do you mean by "a tremendous
12 decision"?

13 A. That that was the wrong decision. There
14 was another person from Pioneer that I don't
15 remember the name, they send us back there.

16 Q. Why was that a problem, in your opinion?

17 A. For the same reason, because the plane
18 has already passed by. They make us go back in,
19 then the plane came back, then they said get out
20 again and then we did not go back again.

21 Q. Do you believe that my client, Curless or
22 Farm Air, had anything to do with that decision?

23 A. That, I don't know.

24 Q. You are suing Pioneer and Corteva,

1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF DUPAGE)

4 I, KAREN PILEGGI, a Notary Public
5 within and for the County of DuPage, State of
6 Illinois, and a Certified Shorthand Reporter of said
7 state, do hereby certify:

8 That previous to the commencement of
9 the examination of the witness, the witness was duly
10 sworn to testify the whole truth concerning the
11 matters herein;

12 That the foregoing deposition
13 transcript was reported stenographically by me, was
14 thereafter reduced to typewriting under my personal
15 direction, and constitutes a true record of the
16 testimony given and the proceedings had;

17 That the said deposition was taken
18 before me at the time and place specified;

19 That I am not a relative or employee
20 or attorney or counsel, nor a relative or employee
21 of such attorney or counsel for any of the parties
22 hereto, nor interested directly or indirectly in the
23 outcome of this action.

24 IN WITNESS WHEREOF, I do hereunto



CURLESS001223

1 set my hand and affix my seal of office at Chicago,
2 Illinois, this 6th day of September, 2024.

3

4

KAREN PALCIGGI

5

Notary Public,

6

DuPage County, Illinois.

7

My commission expires 5/2/28.

8

9 CSR Certificate No. 84-3404

10

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23

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

HADA GARCIA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
PIONEER HI-BRED INTERNATIONAL,	)	3:20-cv-3322-STEM
INC.; CORTEVA, INC.; RAS	)	-TSH
AVIATION, LLC; FARM AIR, INC.;)	
and CURLESS FLYING SERVICE,)	
INC.,)	
)	
Defendants.)	

The video teleconference deposition of JESUS ZUNIGA, JR., called for examination, taken pursuant to the Federal Rules of Civil Procedure for the United States District Courts, taken before KAREN L. PILEGGI, CSR No. 84-3404, a Notary Public, within and for the County of DuPage, State of Illinois, Certified Shorthand Reporter within and for the State of Illinois, Registered Merit Reporter, June 5, 2024, at the approximate hour of 10:00 AM.



CURLESS003691

Page 18

1 A. Before that, it would have to be Pioneer,
 2 like the company, which was like 2018.
 3 Q. That's the Pioneer that is, at least at
 4 this moment, still a defendant in this case?
 5 A. Yes.
 6 Q. You understand that you brought a lawsuit
 7 against Pioneer, right?
 8 A. Yes.
 9 Q. Why are you suing Pioneer?
 10 MS. MITCHELL: Objection. Calls for a legal
 11 conclusion.
 12 You can still answer.
 13 MR. RAVICH: Hold on. We're going to stop with
 14 the legal objections. I'm asking him a question.
 15 He can answer to the best of his ability. You can
 16 say object to form.
 17 MS. MITCHELL: He can answer.
 18 BY MR. RAVICH:
 19 Q. Why are you suing Pioneer?
 20 MS. MITCHELL: Objection to form.
 21 BY THE WITNESS:
 22 A. Work injuries.
 23 BY MR. RAVICH:
 24 Q. What work injuries?

Page 19

1 A. The ones I got July 23rd and August 5th.
 2 Q. For my client's purposes, we'll probably
 3 be focusing on one of these dates, but broadly
 4 describe what those work injuries, if you want to
 5 talk each date or however you want to organize it,
 6 let me know what those work injuries are relative to
 7 each of the dates that you mentioned, please.
 8 A. It was trouble breathing, trouble
 9 sleeping. What is that, insomnia? That's trouble
 10 sleeping, right?
 11 Q. We can't answer the questions for you.
 12 A. Okay. Sorry.
 13 Q. That's okay.
 14 You're indicating trouble breathing,
 15 sleeping, insomnia, in connection with the events
 16 you described. Anything else?
 17 A. I'll say chest pain. Numbness.
 18 Q. Anything else?
 19 A. Coughing. Headaches.
 20 Q. You identified some symptoms. The
 21 question that I have for you is, what happened?
 22 What happened on July 23rd or August 5th that led
 23 you to sue Pioneer?
 24 A. July 23rd there was a helicopter that

Page 20

1 flew over was and was spraying right besides us.
 2 Q. How did that cause injury to you?
 3 A. Well, the mist it was spraying, it was
 4 like falling over us.
 5 Q. What happened, if anything, on August 5th
 6 that led you to sue Pioneer?
 7 A. Well, the same thing. It had sprayed us
 8 while we were in the field working in it.
 9 Q. A helicopter sprayed you on August 5th?
 10 A. A plane.
 11 Q. What color was the airplane, if recall?
 12 Strike that.
 13 Did you see the airplane?
 14 A. Yes, I saw it, but I don't remember the
 15 color.
 16 Q. You're sure it was an airplane versus a
 17 helicopter or some other type of conveyance?
 18 MS. MITCHELL: Objection to form.
 19 BY THE WITNESS:
 20 A. Yes. It was a plane.
 21 BY MR. RAVICH:
 22 Q. Describe what happened on August 5th.
 23 A. Well, we went into the field and we were
 24 maybe midway in when we all saw a plane circling the

Page 21

1 area, so we got out of the field and we all went to
 2 the supervisors or the bosses or whatever to make
 3 sure everything was safe.
 4 They made some calls and they told
 5 everybody to go inside the field. When inside the
 6 field, that's when planes starting going down
 7 spraying right above us.
 8 Q. In what direction was the spray coming?
 9 From above? From the side? How would you describe
 10 it?
 11 A. Above.
 12 Q. Like rain falling?
 13 A. Yes.
 14 Q. Please describe what that felt like or
 15 what you saw and physically felt or observed on
 16 August 5th.
 17 A. During the spot we felt numbness. We
 18 felt tingling on the body and numbness. When we
 19 breathed it in, it made it harder to breathe.
 20 Q. Is there anything else that you remember?
 21 A. No.
 22 Q. You mentioned that you were with some
 23 people in the middle of the field; is that correct?
 24 A. Yes.

6 (Pages 18 to 21)



CURLESS003696

Page 26

1 A. I guess going around the field.
2 Q. By "going around the field," do you mean
3 the field in which you were working?
4 A. Yes. It was up a little bit. It was
5 going around the area, too, but I couldn't --
6 sometimes it will go out of vision.
7 Q. We just need to be more specific. You
8 said it was going to that area too. What area are
9 you referring to?
10 A. I'm sorry. Like the end of the field,
11 kind of.
12 Q. The end of your field?
13 A. Yeah. The end of our field.
14 Q. Do you know what the airplane was doing?
15 A. No.
16 Q. Was it spraying anything?
17 A. At that time, no.
18 Q. At what time?
19 A. The first time we seen it, we didn't see
20 it spraying.
21 Q. Let's try to be organized here. You see
22 a plane circling. How many times did it circle over
23 your field?
24 A. I didn't count how much times.

Page 27

1 Q. I understand. Was it more than once?
2 A. I believe so.
3 Q. Why do you believe that?
4 A. I've seen it again. It came back for me
5 to see it.
6 Q. You mentioned that it was not spraying at
7 that time. Did you observe the airplane to be
8 spraying anything the first time it was overhead?
9 A. No, I didn't see anything.
10 Q. Did you ever observe anything coming out
11 of the airplane?
12 A. No.
13 Q. Did you smell anything in connection with
14 the airplane flying?
15 A. We're still talking about the first time
16 or anytime?
17 Q. The first time.
18 A. The first time, no.
19 Q. What about any other time?
20 A. Well, after -- like I said, after we came
21 out of the field to talk to the bosses and when we
22 went back in, that's when I did see it spraying.
23 Q. Let me try to clarify the record.
24 So you heard and saw an airplane the

Page 28

1 first time fly over your field; is that correct?
2 A. Yes.
3 Q. It's your testimony that when you first
4 saw the airplane, everybody ran out of the field?
5 A. Yes. Not everybody. I think some people
6 stayed in. I seen people on the outside.
7 Q. What did you do?
8 A. Well, I went outside looking for my
9 family just to make sure everything was safe.
10 Q. You ran back to the buses or ran out of
11 the field and you looked for your family?
12 A. We got out of the field and my family --
13 sorry. We were on the bus side. So yeah.
14 Q. You saw an airplane the first time. You
15 were looking for your family. And then at some
16 point you went back out to the field; is that right?
17 A. Yes. We were next to each other so we
18 all came outside at the same time. We saw a plane
19 and we came out.
20 Q. Sorry. You saw the airplane and did
21 what?
22 A. We noticed it was around the area so me
23 and my family came out of the field.
24 Q. Came out of the field; is that right?

Page 29

1 A. Yeah.
2 Q. So that's the first circle of the
3 airplane, right?
4 A. Yes.
5 Q. I want to make sure I have this right.
6 You're in the field, you saw an airplane, you looked
7 for your family, your family got out of the field
8 and at some point went back into the field; is that
9 right?
10 A. Yes.
11 Q. Now, you're back in the field. Did the
12 airplane come back?
13 A. Yes, it came back and this is the time
14 where I seen it spray, like dropping spray
15 everywhere.
16 Q. The first time you didn't; is that right?
17 A. Yes.
18 Q. The second time you did see it dropping
19 spray, as you say. Describe that.
20 A. Well, I remember looking up and seeing
21 like sprinklers kind of and it was spraying above
22 the field that we were currently working on.
23 Q. Is that when you smelled something?
24 A. I'm sorry?

Page 30

1 Q. When did you smell something, if ever?
2 A. It was when -- yeah. So when it dropped
3 the spray.
4 Q. What did it smell like?
5 A. I don't remember, exactly.
6 Q. Do you remember if it smelled good or
7 bad?
8 A. It smelled bad. It wasn't normal.
9 Q. Where was the spray coming out of the
10 airplane, like where on the airplane?
11 A. I believe it was under the airplane.
12 Q. Was it like the belly of the airplane,
13 the tail, the wings?
14 A. I don't remember. I just know it was
15 coming from under the airplane.
16 Q. So that's the second time. Were there
17 any other times that you saw the airplane flying
18 overhead?
19 A. No.
20 Q. After the airplane flew over your field,
21 did you observe where it went?
22 A. No. After that, no.
23 Q. Did you observe where the airplane was
24 coming from on either of these occasions that it

Page 31

1 flew over you?
2 A. I don't know the exact directions.
3 Q. I'm not asking north, south, east, west.
4 Did you see the plane coming from a different place,
5 from a different area?
6 A. I know when they did spray, it came -- it
7 was coming from behind us, so from the side of where
8 the bus is at.
9 Q. Can you clarify.
10 A. Yeah. We were going -- in the field we
11 were going straight so I remember it swooping in
12 from behind us. I remember that direction that it
13 came from that one time.
14 Q. Did you observe any color to what you saw
15 coming from the airplane?
16 A. No.
17 Q. Do you know if the airplane ever stopped
18 spraying? Did it start and stop? Did you ever
19 observe that?
20 A. No.
21 Q. Is it your position that the airplane was
22 spraying the entire time?
23 A. I'm sorry. What was that?
24 Q. Is it your position or observation that

Page 32

1 the airplane was spraying the entire time it was
2 over you?
3 A. Like on the field, yes.
4 Q. How do you know that?
5 A. I saw it maybe -- I did see it spray that
6 one time, but that's the only time I seen it spray.
7 It was like flying in the air. It wouldn't keep
8 spraying or anything.
9 Q. Did you ever see the airplane fly without
10 the sprayers on?
11 A. Yes.
12 Q. Tell me about that.
13 A. As in like the first time when I saw it,
14 it wasn't spraying anything.
15 Q. Just the second time is what you're
16 trying to tell me?
17 A. Yes.
18 Q. How soon after it sprayed did you
19 experience the numbness that you allege that you
20 felt?
21 A. The back of my neck, I did feel that when
22 it was going onto us.
23 Q. Describe that numbness.
24 A. It felt like tingling and just vibrating,

Page 33

1 I guess.
2 Q. Did it hurt?
3 A. It didn't hurt, but it felt weird.
4 Q. I'm trying to understand what it felt
5 like. For instance, was it cold, was it hot, was it
6 wet? How would you describe it?
7 A. It was like numb.
8 Q. Was it a liquid that came into contact
9 with you or a gas?
10 A. It was a liquid.
11 Q. Describe what that felt like. Not the
12 numbness, but the liquid.
13 A. It was like, I guess, like mist touching
14 the back of my neck.
15 Q. Yes, I understand it was touching you.
16 Can you describe it?
17 MS. MITCHELL: Objection. Form.
18 BY MR. RAVICH:
19 Q. Can you describe it, yes or no?
20 A. No. I'm sorry.
21 Q. Was it sticky?
22 A. Not that I remember.
23 Q. Do you recall for how long the airplane
24 flew over you?

9 (Pages 30 to 33)

Page 50

1 pesticides.
2 Q. How did your dad contact these people?
3 A. I don't know how to answer that.
4 Q. How do you know he contacted people?
5 A. I heard it from my mom.
6 Q. What did you hear from your mom?
7 A. Well, that we were -- that they were
8 calling lawyers, I guess.
9 Q. Who is they?
10 A. My mom -- or my dad. My family. The
11 people that got sprayed.
12 Q. Do you know where the black trash bag
13 that was stored in the cooler that contained your
14 clothes is now?
15 A. My lawyers have them.
16 Q. When did you give them to your lawyers?
17 A. I don't know. It was my dad.
18 Q. Have you ever talked with
19 Alberto Montalvo, Jr.? Do you know who that is?
20 A. Who?
21 Q. Alberto Montalvo, Jr. Do you know who
22 that is?
23 A. Not that I remember, no.
24 Q. Do you know Alberto Montalvo, Sr.?

Page 51

1 A. No.
2 Q. Do you know the name of the bus driver
3 who drove you to the field on August 5th?
4 A. No.
5 Q. Before working for Pioneer, had you ever
6 worked in -- working a field, detasseling or
7 otherwise working in agriculture?
8 A. Before that?
9 Q. Yes.
10 A. Yes.
11 Q. When?
12 A. It was the year prior.
13 Q. Prior to what?
14 A. The year prior to that year.
15 Q. I don't know what year you're measuring.
16 A. We would go yearly. So before -- it was
17 2018. So 2017, 2016, that's when we would work.
18 Q. Had you ever seen before August 5th --
19 strike that.
20 Before July, the July event and before
21 the August 5th event, had you ever seen an airplane
22 or helicopter spraying a field?
23 A. No.
24 Q. Were you aware that airplanes fly and

Page 52

1 spray fields?
2 A. Yes.
3 Q. How were you aware of that?
4 A. We would go over it -- at the beginning
5 of when we would work, we would go over safety
6 videos and we would like -- we will watch videos on
7 all that stuff like dealing with plane safety.
8 Q. I'm going to get into issues of medical
9 background. Before we do, I want to know, did you
10 go to the hospital before or after your dad began to
11 contact people in connection with the August 5th
12 event?
13 A. Yeah, on August 5th after we got out of
14 work we went to the hospital.
15 Q. I don't understand your answer.
16 A. Yes, after we left work, after the plane
17 sprayed and all that, we went home. Before we went
18 home, we were feeling bad so we took a trip to the
19 hospital.
20 Q. Yes, I understand. My --
21 MS. MITCHELL: I'm sorry. After this line of
22 questioning, it's been over an hour so we should
23 probably take a break soon. I understand you might
24 want to get through a few things first.

Page 53

1 MR. RAVICH: Understood. Thank you.
2 BY MR. RAVICH:
3 Q. I'm asking a different question. I'm
4 asking whether you went to the hospital before your
5 dad tried to contact people or after?
6 A. It was before.
7 Q. When you got to the hospital, did you
8 tell the doctors that you had been sprayed by an
9 airplane?
10 A. Yes.
11 Q. Did the doctors tell you you had been
12 sprayed by an airplane?
13 A. They couldn't -- well, no. After that,
14 we all got put in high-pressure showers to
15 decontaminate.
16 Q. When was that?
17 A. It was after we -- when we first got to
18 the hospital, we told them that we got sprayed and
19 they contacted a team to disinfect us with a
20 high-pressure shower.
21 MR. RAVICH: Let me just ask one last question
22 and we'll take a break.
23 MS. MITCHELL: Sure.
24 ///

14 (Pages 50 to 53)

Page 130

1 Q. The answer to my question is what?
 2 A. No.
 3 MR. RAVICH: Thank you very much for your time
 4 today.
 5 MS. MITCHELL: Brandt, do you have any more
 6 questions?
 7 MR. MADSEN: No, I do not. I just need to get
 8 Karen's e-mail so I can send this exhibit.
 9 MS. MITCHELL: Before that, plaintiff will
 10 reserve our questions for the time of trial.
 11 THE REPORTER: Signature?
 12 MS. MITCHELL: Yes, we would like to read and
 13 sign.
 14 THE REPORTER: Are you ordering the transcript,
 15 Tim?
 16 MR. RAVICH: No.
 17 MR. MADSEN: Karen, we will not be ordering at
 18 this time.
 19 (WHEREUPON, at 2:11 PM,
 20 the deposition of JESUS ZUNIGA,
 21 JR., was concluded.)
 22 * * * * *
 23
 24

Page 132

1 set my hand and affix my seal of office at Chicago,
 2 Illinois, this 5th day of September, 2024.
 3
 4
 5 Notary Public,
 6 DuPage County, Illinois.
 7 My commission expires 5/2/28.
 8
 9 CSR Certificate No. 84-3404
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Page 131

1 STATE OF ILLINOIS)
 2) SS:
 3 COUNTY OF DUPAGE)
 4 I, KAREN PILEGGI, a Notary Public
 5 within and for the County of DuPage, State of
 6 Illinois, and a Certified Shorthand Reporter of said
 7 state, do hereby certify:
 8 That previous to the commencement of
 9 the examination of the witness, the witness was duly
 10 sworn to testify the whole truth concerning the
 11 matters herein;
 12 That the foregoing deposition
 13 transcript was reported stenographically by me, was
 14 thereafter reduced to typewriting under my personal
 15 direction, and constitutes a true record of the
 16 testimony given and the proceedings had;
 17 That the said deposition was taken
 18 before me at the time and place specified;
 19 That I am not a relative or employee
 20 or attorney or counsel, nor a relative or employee
 21 of such attorney or counsel for any of the parties
 22 hereto, nor interested directly or indirectly in the
 23 outcome of this action.
 24 IN WITNESS WHEREOF, I do hereunto

Page 133

1 DEPOSITION ERRATA SHEET
 2
 3 Our Assignment No. 1143497-5656
 4 Hada Garcia vs Pioneer
 5
 6 DECLARATION UNDER PENALTY OF PERJURY
 7
 8 I declare under penalty of perjury that I
 9 have read the entire transcript of my Deposition
 10 taken in the captioned matter or the same has been
 11 read to me, and the same is true and accurate, save
 12 and except for changes and/or corrections, if any,
 13 as indicated by me on the DEPOSITION ERRATA SHEET
 14 hereof, with the understanding that I offer these
 15 changes as if still under oath.
 16
 17 Signed on the _____ day of
 18 _____, 20____.
 19 _____
 20 JESUS ZUNIGA, JR.
 21
 22
 23
 24



DocuSign Envelope ID: B1B3866C-03AD-4B65-BE58-CD1E58B5A676

I, Jesus Zuniga, Jr., do hereby certify that I have had the opportunity to read the transcript of my deposition taken June 5, 2024, pages 1-132, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance noted in the attached Errata Sheet.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 15, 2024.

DocuSigned by:
Jesus Zuniga
5E4A2F68476C455...

Jesus Zuniga, Jr.

CURLESS003749

DocuSign Envelope ID: B1B3866C-03AD-4B65-BE58-CD1E58B5A676



1 -----
ERRATA
2 -----

4	PAGE	LINE	CHANGE FROM	CHANGE TO	REASON
5	<u>10</u>	<u>5</u>	<u>Yabira Zuniga</u>	<u>Yadira Zuniga</u>	<u>name misspelled</u>
6	<u>10</u>	<u>10</u>	<u>Yabira Zuniga</u>	<u>Yadira Zuniga</u>	<u>name misspelled</u>
7	<u>1</u>	<u>N/A</u>	<u>Northern District of Illinois</u>	<u>Central District of Illinois</u>	<u>mistranscribed</u>
8	<u>1</u>	<u>N/A</u>	<u>Eastern Division</u>	<u>Springfield Division</u>	<u>mistranscribed</u>
9	<u>41</u>	<u>14</u>	<u>The bus.</u>	<u>The boss.</u>	<u>mistranscribed</u>
10	<u>41</u>	<u>16</u>	<u>The buses.</u>	<u>The bosses.</u>	<u>mistranscribed</u>
11	<u>57</u>	<u>8</u>	<u>February 2018.</u>	<u>February 2020.</u>	<u>subsequently corrected on record at 68:1-9</u>
12	<u>57</u>	<u>8</u>	<u>Yes.</u>	<u>No.</u>	<u>subsequently corrected on record at 68:1-9</u>
13	_____	_____	_____	_____	_____
14	_____	_____	_____	_____	_____
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1635 Market Street - 8th Floor
Philadelphia, PA 19103

CURLESS003750

UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

HADA GARCIA,)
)
Plaintiff,)
)
-vs-	) No.
	) 3:20-cv-3322-STEM-
PIONEER HI-BRED	) TSH
INTERNATIONAL, INC., CORTEVA,)
INC., RAS AVIATION, LLC, FARM)
AIR, INC., and CURLESS FLYING)
SERVICE, INC.,)
)
Defendants.)

Videoconference deposition of JESUS ZUNIGA, SR., taken before SHAHERA ALI, C.S.R., and Notary Public, pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, held via Zoom, commencing at 10:00 o'clock a.m., on the 7th day of June, 2024.



CURLESS002590

1 A Correct.

2 Q So at that time do you recall being closer to
3 the roadway or farther away from the roadway?

4 A No. I can't recall.

5 Q Okay. So you have no recollection of whether
6 or not you would have been further away from the
7 roadway in your truck or closer to your truck when
8 you think that the airplane was nearer to your head?

9 A Well, I only remember that I was close to the
10 portable toilets and that's all I can say.

11 Q Okay. Now, what do you recall about the
12 airplane on that particular day?

13 A Like I said, the plane passed two times.

14 Q Okay. The plane passed over the field two
15 times?

16 A Yes, because it threw it. The second time it
17 was when it threw it.

18 Q It threw what?

19 A It threw it because when it happened there
20 was a young guy that was washing his back because he
21 said that some liquid had fallen on top of him or
22 something. I don't know.

23 Q Okay. So did you see the airplane?

24 A I only was able to see it, but I lowered my

1 true. It is true that this plane threw something.

2 Q But you didn't feel it?

3 A It was rare because whenever I worked in the
4 fields, you know, I could touch my face and could
5 touch mouth and nothing happened. But that day when
6 I touched my mouth, and I touched my face, my lips
7 got numb.

8 Q What kind of gloves do you wear?

9 A They were like cloth gloves with little black
10 points on them.

11 Q Oh, okay. So a cloth glove with a rubber tip
12 on the end?

13 A All of it. The entire glove is the same.

14 Q Oh, okay. Are they rubber at all or are they
15 all cloth?

16 A They're cloth but they have all the rubber
17 little points all over them.

18 Q I see. Okay. So rubber with little -- cloth
19 with little rubber points all over the glove?

20 A Correct.

21 Q And you said you also wear a mask, correct?

22 A I was covered all the time. You could barely
23 see my eyes.

24 Q And it wasn't until after you had spoken with

1 I tried to -- when you do the saliva thing, when you
2 try to swallow, I felt like somebody grabbed me from
3 my neck. I felt like something got stuck inside.

4 Q You did go to the emergency room on August
5 5th of 2019, correct?

6 A Correct.

7 Q And was that something that you decided to do
8 on your own or were you instructed by Pioneer to seek
9 medical care?

10 A That's what I did on my own account.

11 Q And did you drive yourself to the hospital?

12 A Correct.

13 Q When you went to the hospital, did you take
14 any of your family members with you at that time?

15 A Yes. Maria Zuniga went, Jesus Zuniga, Jr.,
16 went, Jennifer Zuniga went, and Adrian Hernandez
17 went, and Annalee Hernandez and me.

18 Q When you first got home from work, did you
19 shower before you went to the emergency room with
20 your family?

21 A No. We went there.

22 Q What happened to the clothing, to the best
23 that you are aware, that you were wearing at the
24 emergency room on August 5th of 2019?

1 STATE OF ILLINOIS)
) ss:
2 COUNTY OF C O O K)
3

4 The within and foregoing deposition of the
5 aforementioned witness was taken before SHAHERA ALI,
6 Ç.S.R., and Notary Public, at the place, date, and time
7 aforementioned.

8 There were present during the taking of the
9 deposition the previously named counsel.

10 The said witness was first duly sworn and was then
11 examined upon oral interrogatories; the questions and
12 answers were taken down in shorthand by the undersigned,
13 acting as stenographer and Notary Public; and the within
14 and foregoing is a true, accurate, and complete record of
15 all of the questions asked of and answers made by the
16 aforementioned witness, at the time and place hereinabove
17 referred to.

18 The signature of the witness was not waived, and
19 the deposition was submitted, pursuant to Rules 30(e) and
20 32(d) of the Rules of Civil Procedure for the United
21 States District Court, to the deponent per copy of the
22 attached letter.

23 The undersigned is not interested in the within
24 case, nor of kin or counsel to any of the parties.

1 Witness my official signature and seal as Notary
2 Public in and for Cook County, Illinois, on this 17th day
3 of September, A.D. 2024.

4

5

6

SHAHERA ALI

SHAHERA ALI, C.S.R.

7

License No. 084-002666

Notary Public

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200 South Wacker Drive

Suite 3100

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Chicago, Illinois 60606

Phone: (312) 853-0648

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UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

HADA GARCIA,)	
)	
Plaintiff,)	
)	
vs.	)	Case No.: 3:20-cv-3322-STEM-TSH
)	
PIONEER HI-BRED	)	Honorable Sue E.
INTERNATIONAL, INC.,	)	Myerscough
CORTEVA, INC., RAS	)	Magistrate Judge
AVIATION, LLC, FARM AIR,	)	Eric I. Long
INC., and CURLESS FLYING)	
SERVICE, INC.,)	
)	
Defendants.)	

The Remote Videoconferenced Discovery
Deposition of YADIRA ELENA SIERRA ZUNIGA, taken in the
above-entitled cause before Deborah T. Brauer, a notary
public within and for the County of Lake and State of
Illinois, and a Certified Shorthand Reporter of said
State, taken on the 13th day of June, 2024 at the hour
of 10:00 o'clock a.m., pursuant to notice.



CURLESS001306

1 BY MR. RAVICH:

2 Q. You go onto say that this ariel spray
3 resulted in pesticide poisoning symptoms. What were
4 your pesticide poisoning symptoms?

5 A. It was headache, nausea, dizziness, abdominal
6 pain, diarrhea.

7 Q. And some of these are mentioned here. One of
8 them is loss of appetite. Explain what your loss of
9 appetite was following the August 5, 2019 event?

10 A. I wasn't feeling like really hungry.
11 Everything would make me like nauseous.

12 Q. For how long did that feeling or loss of
13 appetite endure?

14 A. For several days.

15 Q. Do you still suffer from loss of appetite in
16 connection with the August 5th event?

17 A. As of right now?

18 Q. Yes.

19 A. No.

20 Q. You mentioned stomach pain. For how long did
21 you have stomach pain after August 5th?

22 A. After August 5th, like for several days.

23 That's why I came -- when we came back to Texas, I
24 seeked the doctor right away.

1 Q. You could not tell me whether the airplane
2 was going any particular direction, correct?

3 A. No. Correct.

4 Q. You don't know the color of the airplane?

5 A. No.

6 Q. You don't even know if it's an airplane as
7 opposed to a helicopter or something else, right?

8 A. Since I didn't see it like with my own eyes,
9 no.

10 Q. You're not alleging that you got sprayed by
11 the airplane, right?

12 A. No, I didn't get sprayed. I only smelled it
13 when I was close to my family.

14 Q. Tell me about that.

15 A. Well, once I got out of the restroom, when my
16 husband said "We're going home," I could smell it like
17 long strong on their clothes. So I just got home and
18 showered, showered and laid down.

19 Q. You did?

20 A. Yes.

21 Q. How would you describe the clothing of your
22 family members, wet, dry, for example?

23 A. I wouldn't know, but it smelled bad.

24 Q. Have you ever smelled anything like that

1 before?

2 A. No.

3 Q. Can you describe the smell?

4 A. Can I describe it? Like strong, stinky.

5 Q. You noted that Maria took a video and you saw
6 that video. Did Jesus, Sr. or Jesus, Jr. describe to
7 you what happened?

8 A. No. They just told me they were in the
9 field. That he was in the field with my nephew, and
10 they got sprayed. That's all he told me.

11 Q. Did he describe how he was sprayed, in other
12 words, did the spray come down on him, hit his face,
13 hit his clothing, did he tell you any other details?

14 A. Hit his -- I think it landed more on his
15 back.

16 Q. And that's sort of what I'm after which is,
17 it's not your testimony that this was sort of a ho hum
18 unremarkable event for the family, is it?

19 A. I don't understand, sir.

20 Q. Did your family seem worried?

21 A. If we were worried or that they seemed
22 worried?

23 Q. Yes, when they were talking to you.

24 A. Yes.

1 STATE OF ILLINOIS)

) SS:

2 COUNTY OF L A K E)

3 I, DEBORAH T. BRAUER, a notary public
4 within and for the County of Cook and State of
5 Illinois, do hereby certify that heretofore, to-wit, on
6 the 13th day of June, 2024, personally appeared before
7 me YADIRA ELENA SIERRA ZUNIGA, a witness in a certain
8 cause now pending and undetermined in the United States
9 District Court for the Central District of Illinois,
10 Springfield Division wherein Hada Garcia is the
11 plaintiff and Pioneer Hi-Bred International, Inc., et
12 al. are the defendants.

13 I further certify that the witness was by
14 me first duly sworn to testify the truth, the whole
15 truth and nothing but the truth in the cause aforesaid;
16 that the testimony then given by the said witness was
17 reported stenographically by me in the presence of said
18 witness and afterwards reduced to writing, and the
19 foregoing is a true and complete transcript of the
20 testimony so given by the said witness as aforesaid.

21 I further certify that the taking of this
22 deposition was pursuant to notice, and that there were
23 present at the taking of said deposition the
24 appearances as heretofore noted.



CURLESS001472

1 The signature of the witness to the
2 foregoing deposition was not waived by agreement of
3 counsel for the respective parties.

4 I further certify that I am not counsel
5 for nor in any way related to any of the parties to
6 this suit, nor am I in any way interested in the
7 outcome thereof.

8 IN TESTIMONY WHEREOF, I have hereunto set
9 my hand and affixed my notarial seal this 3rd day of
10 September, 2024.

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Deborah Brauer-----

Deborah Brauer, CSR

Notary Public, Lake County, Illinois

Jose Zuniga

May 22, 2024

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UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

HADA GARCIA,)	
Plaintiff,)	
	)	Case No:
VS.	)	3:20-cv-3322-STEM-TSH
)	
PIONEER HI-BRED	)	Honorable Sue E.
INTERNATIONAL, INC.,	)	Myerscough
CORTEVA, INC., RAS)	
AVIATION, LLC., FARM AIR,	)	Magistrate Judge Eric
INC., and CURLESS FLYING	)	I. Long
SERVICE, INC.,)	
Defendants.)	

ORAL DEPOSITION OF
JOSE ZUNIGA
May 22, 2024
Volume 1
(Remotely)

REMOTE ORAL DEPOSITION OF JOSE ZUNIGA, produced as
a witness at the instance of the Defendants, Farm Air,
Inc., and Curless Flying Service, Inc., and duly sworn,
was taken in the above-styled and -numbered cause on the
22nd day of May, 2024, from 10:39 a.m. to 3:00 p.m., via
Zoom Web Conference, before Kelly Capetti, CSR in and
for the State of Texas, reported by oral stenography, at
the offices of the Texas Rio Grande Legal Aid office,
located at 301 South South Texas Avenue, Mercedes, Texas



CURLESS002677

1 A. I'm not too sure.

2 Q. Okay. Now, how high, above the top of the
3 corn, did you see the airplane flying?

4 A. Well, when I was in the field, like I -- like I
5 said, I can't see, like, anything. And I -- it was,
6 look, sort of like the way you have it right there on
7 the screen with the area arrow. I just know that it
8 was, like, a couple rows down. But I can't,
9 specifically, tell you how many rows down it would be.

10 Q. Okay. Now, did you, personally, get sprayed by
11 the airplane on August 5th?

12 A. Like -- well, like, if you put it, like, to the
13 point where, like, it did spray the field, then I would
14 say, like, yes. But, like, it would've had to have
15 been, like, specifically, on me, like -- then, I could
16 tell you, no.

17 Q. So you're not sure if you got sprayed or not?

18 A. No, I mean, I did get sprayed because -- or
19 else, like, none of the -- none of the events that I had
20 on that day would've not happened.

21 Q. So it's your testimony that the airplane, on
22 August 5th, did spray you?

23 A. Yes.

24 Q. Okay. Did you witness anyone else, that was in
25 the field with you on August 5th, get sprayed?



CURLESS002723

1 What symptoms were you having?

2 A. I felt like -- I felt a lot of, like, dryness
3 towards, like, my tongue and my mouth. And then I was
4 feeling, like -- I was starting to get, like, a lot of
5 like -- a lot of headaches and a lot of, like, tightness
6 of, like, breath and my throat kind of, like, closing
7 in.

8 Q. So you never felt -- your clothes never got
9 wet?

10 A. No.

11 Q. Okay. And how long were you in the field until
12 you exited?

13 A. Well, when we exited -- well, I mean, I -- we
14 were in there for, like, a while. But when it -- when
15 that event happened, my -- we both got a phone call from
16 my cousin. And then that's when we kind of like ran
17 out, like, at full speed.

18 Q. Did you smell anything in the fields when the
19 plate was flying over you?

20 A. (Indicating.)

21 Q. No?

22 Okay.

23 A. I didn't. There was no smell or anything like
24 that.

25 Q. Okay. So immediately after the airplane flew

1 Q. Okay. So this was the Karl Foundation
2 Hospital.

3 Do you recall that?

4 A. Yes.

5 Q. Okay. And your uncle, ultimately, decided that
6 you needed to go and just be looked at?

7 A. Well, I kind of just ended up getting there,
8 because as soon as they admitting me -- going home, I
9 ate, like, this tiny bit. And I started throwing up to
10 the point where I felt like I couldn't even breathe
11 again anymore. Well, even when I left, I still couldn't
12 breathe. But it felt like it even got even stronger.

13 And I don't know who called the ambulance,
14 but they ended up coming and getting me.

15 Q. Okay. So that was my next question.

16 You -- were you taken from an ambulance
17 from --

18 A. The hotel.

19 Q. -- the hotel to the Karl Foundation Hospital,
20 right?

21 A. Yes, correct.

22 Q. Okay. And so one of your family members called
23 911, and they came to get you; and then they to you took
24 you to the Karl Foundation Hospital?

25 A. Yes. That's correct.

Jose Zuniga
Jose Zuniga

May 22, 2024
Page 147
May 22, 2024

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UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

HADA GARCIA,)
Plaintiff,)
VS.) Case No:
PIONEER HI-BRED) 3:20-cv-3322-STEM-TSH
INTERNATIONAL, INC.,) Honorable Sue E.
CORTEVA, INC., RAS) Myerscough
AVIATION, LLC., FARM AIR,) Magistrate Judge Eric
INC., and CURLESS FLYING) I. Long
SERVICE, INC.,)
Defendants.)

REPORTER'S CERTIFICATION
DEPOSITION OF JOSE ZUNIGA
May 22, 2024
(Remotely)

I, Kelly Capetti, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

That the Witness, JOSE ZUNIGA, was duly sworn by
the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the Witness;

That the amount of time used by each party at the
deposition is as follows:

Ms. Erin Sidonia Mitchell00:01 HOURS:MINUTES
Ms. Lakshmi Ramakrishnan00:00 HOURS:MINUTES
Ms. Louise Carhart00:00 HOURS:MINUTES
Ms. Lisa Palumbo00:00 HOURS:MINUTES
Ms. Kerri Gefeke00:00 HOURS:MINUTES
Ms. Jennifer A. Dancy02:18 HOURS:MINUTES



CURLESS002823

Jose Zuniga
Jose Zuniga

May 22, 2024
Page 148
May 22, 2024

1 Mr. Brandt Madsen00:56 HOURS:MINUTES
2 Ms. Christina L. Nannini00:00 HOURS:MINUTES

3 That pursuant to information given to the
4 deposition officer at the time said testimony was taken,
5 the following includes counsel for all parties of
6 record:

7 Ms. Erin Sidonia Mitchell, Ms. Lakshmi
8 Ramakrishnan, Ms. Louise Carhart, Ms. Lisa Palumbo
9 and Ms. Kerri Gefeke, Attorneys for Plaintiffs;

10 Ms. Jennifer A. Dancy, Attorney for Defendants,
11 Curless Flying Service, Incorporated and Farm Air,
12 Incorporated; and

13 Mr. Brandt Madsen, Attorney for Defendant, RAS
14 Aviation, LLC.

15 I further certify that I am neither counsel for,
16 related to, nor employed by any of the parties or
17 attorneys in the action in which this proceeding was
18 taken, and further that I am not financially or
19 otherwise interested in the outcome of the action.

20 Certified to by me this ___ day of June, 2024.

21
22
23
24
25



Kelly Capetti
Texas CSR No. 9310
Expiration Date: 11/30/24
Firm Registration No. 633
Magna Legal Services
16414 San Pedro, Suite 900
San Antonio, Texas 78232
Phone: (210) 697-3400
Fax: (210) 697-3408



CURLESS002824

UNITED STATES DISTRICT COURT FOR THE
CENTAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

HADA GARCIA,)	
)	
Plaintiff,)	
)	
vs.	)	No. 3:20-cv-3322
)	
PIONEER HI-BRED)	
INTERNATIONAL, INC.,)	
CORTEVA, INC., RAS)	
AVIATION, LLC, FARM AIR,)	
INC., and CURLESS FLYING)	
SERVICE, INC.,)	
)	
Defendants.)	

The remote videoconference deposition of MARIO GONZALEZ, taken in the above-entitled cause, before Paula Ann Erickson, Certified Shorthand Reporter, Registered Professional Reporter and Notary Public, on August 19, 2024, at the approximate hour of 9:00 a.m.

Magna Legal Services
866-624-6221
www.MagnaLS.com



CURLESS002925

<p style="text-align: right;">Page 54</p> <p>1 A. Yes. He flew right above us. 2 Q. How many times did he fly above you? 3 A. Twice. 4 Q. What color was the airplane? 5 A. I don't remember if it was yellow. 6 Q. Did you see the airplane? 7 A. I only saw the bottom when it passed. 8 Q. How -- What was its altitude? How high 9 above you or how low? 10 A. I couldn't tell you about the altitude. 11 It was not too high or too low. 12 Q. Was it above the treetops? 13 A. Approximately as high as the trees. 14 Q. Was it going up or down or staying 15 steady at the same altitude? 16 A. He turned around with the same 17 altitude. 18 Q. Was it doing a circle over you? 19 A. No, sir. He turned around heading 20 towards the field to drop the pesticide. 21 Q. Did you observe the airplane spraying 22 while it was over you? 23 A. No, sir. 24 Q. So it did not spray you, correct?</p>	<p style="text-align: right;">Page 56</p> <p>1 A. I would be lying to you, sir, if I tell 2 you whether I saw it or not. I went there to 3 work. 4 Q. I see. So you didn't see it with your 5 own eyes, correct? 6 A. No, sir. I only felt the breeze like I 7 mentioned before. 8 Q. What did you feel? 9 A. Oh, like dew, like dew when it's in the 10 morning, that dew in the morning when it falls 11 on your face. 12 Q. And did any of this dew impact your 13 skin? 14 A. No. 15 Q. You mentioned that there was a 16 possibility of a problem with a valve; is that 17 correct? 18 A. I can't tell you that for sure. We 19 smelled it. We felt it but because we were 20 wearing hats, it didn't fall completely on us. 21 Q. What did you mean when you mentioned a 22 valve? 23 A. What I am trying to tell you is they 24 were not spraying where we were. I am not sure</p>
<p style="text-align: right;">Page 55</p> <p>1 A. Only there was a breeze and that's the 2 reason why they removed us from the field. 3 Q. Could you explain that? 4 A. Okay. So when they started spraying 5 the pesticide, the bosses came in and said we 6 have to go. They removed us because they were 7 spraying pesticide. 8 Q. Was the airplane spraying pesticide on 9 you or someplace else? 10 A. They were spraying in another location, 11 but I don't know if there was some kind of 12 escape because we felt from the breeze we felt 13 the pesticide. 14 Q. You said an escape? 15 A. Or it could have been escape from the 16 valve because maybe they didn't lock the valve 17 very well. 18 Q. Did you see anything spraying from the 19 airplane with your own eyes? 20 A. We felt the breeze in our faces. 21 Q. You felt a breeze in your face. You 22 have not answered my question. Did you see with 23 your own eyes something spraying from the 24 airplane?</p>	<p style="text-align: right;">Page 57</p> <p>1 if it was the valve but when he sprayed the 2 chemical, I can't tell you for sure if it was 3 the valve but the residue, there was residue. 4 Q. You don't have any training in aviation 5 mechanics, correct? 6 A. No, sir. 7 Q. Or any aviation agriculture, right? 8 A. No, sir. 9 Q. How do you know what you saw or how do 10 you know that this residue was a chemical or 11 pesticide? Or let me clarify why is it that you 12 think that? 13 A. Because it smelled. 14 Q. What did it smell like? 15 A. I don't know what pesticide smells 16 like, but it smelled ugly. 17 Q. So you don't know that it was 18 pesticide, correct, or a chemical? 19 A. No. It only smelled bad. 20 Q. I understand. Who else was working 21 near you or around you, if anybody? 22 A. The closest one was my coworker, 23 Arnulfo. He was right next to me. 24 Q. What did you observe of Arnulfo when</p>

15 (Pages 54 to 57)



CURLESS002939

Page 86

1 knowledge; is that right?
 2 A. Yes.
 3 Q. I am referring to question No. 10,
 4 which says that you experienced chemical
 5 exposure caused by aerial spray.
 6 A. Yes.
 7 Q. And it says that you had the following
 8 symptoms.
 9 A. Yes.
 10 Q. One is eye irritation.
 11 A. Yes.
 12 Q. We have had almost a three-hour
 13 deposition. At no time have you mentioned eye
 14 irritation. Is eye irritation something that
 15 you are complaining about?
 16 A. I said no.
 17 Q. What about coughing?
 18 A. At that precise moment -- at that
 19 precise moment, yes.
 20 Q. At what precise moment?
 21 A. When we were sprayed. At that moment
 22 when we were sprayed, the irritation of the eyes
 23 and the cough.
 24 Q. So other than that precise movement,

Page 87

1 you do not have an injury, disease, or condition
 2 related to coughing, right?
 3 A. No.
 4 Q. Is it the same answer for chest pain or
 5 tightness which you report in your
 6 interrogatories?
 7 A. Once again, at that moment, those are
 8 the symptoms that I experienced. It's been many
 9 years. I am doing okay now.
 10 Q. And you noted that you write here I
 11 tried to get medical treatment. What medical
 12 treatment did you try to get?
 13 A. Okay. I explained on that date I
 14 didn't have anyone to take me.
 15 Q. In the four years since August 5, 2019,
 16 have you had any ability to see a doctor?
 17 A. I have been saying many times I didn't
 18 have a problem seeing a doctor. I just don't
 19 like to see a doctor.
 20 Q. It's not because you don't have
 21 transportation, right?
 22 A. That day they asked me if I had any
 23 proof of the doctors, and I said no, because I
 24 did not have transportation.

Page 88

1 Q. Who is "they"?
 2 A. What do you mean who are "they"?
 3 Q. You said you told somebody that. Who?
 4 A. I don't remember anymore. There were
 5 so many questions that were asked of me.
 6 Q. When did you decide to sue my clients?
 7 A. After we were sprayed. Two or
 8 three days after the spray. I don't remember.
 9 Q. Well, was it two or three days or you
 10 don't remember?
 11 A. I don't remember, but I know it was
 12 after the spray.
 13 Q. After August 5th you mean?
 14 A. Yes.
 15 Q. You are not currently employed now,
 16 correct?
 17 A. No. Right now I am not working.
 18 Q. And you don't have plans to work until
 19 the next season; is that accurate?
 20 A. Exactly.
 21 Q. And, finally, I apologize if this is
 22 duplication. I just want to know for sure.
 23 What is it that you want from my clients?
 24 A. No idea. I -- Once again, I placed a

Page 89

1 lawsuit against Pioneer. I don't know how this
 2 is going.
 3 MR. RAVICH: Okay. Thank you for your
 4 time. Louise, anything?
 5 MS. CARHART: We will reserve questions
 6 until for trial. Thank you.
 7 THE INTERPRETER: Thank you.
 8 THE REPORTER: Counsel, are you
 9 ordering?
 10 MR. RAVICH: No.
 11 MS. CARHART: And we are not ordering,
 12 but we will read and sign.
 13 (FURTHER DEPONENT SAITH NOT.)
 14 (Deposition concluded at 12:20 p.m.
 15 and signature was reserved.)
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1 UNITED STATES DISTRICT COURT FOR THE
 2 CENTRAL DISTRICT OF ILLINOIS
 3 SPRINGFIELD DIVISION
 4 HADA GARCIA,)
 5 Plaintiffs,)
 6 vs.) No. 3:20-cv-3322
 7 PIONEER HI-BRED)
 8 INTERNATIONAL, INC.,)
 9 CORTEVA, INC., RAS)
 10 AVIATION, LLC, FARM AIR,)
 11 INC., and CURLESS FLYING)
 12 SERVICE, INC.,)
 13 Defendants.)

14 I, MARIO GONZALEZ, hereby certify that I
 15 have read the foregoing transcript of my
 16 deposition taken on August 19, 2024, consisting
 17 of Pages 1 to 90 and that to the best of my
 18 knowledge it is a true and correct transcript of
 19 said deposition, except as I have changed it on
 the attached sheets in accordance with the rules
 provided by said court.

20 MARIO GONZALEZ
 21 No errata sheets submitted (Please initial) ____.
 22 Number of errata sheets submitted ____ (pgs.)
 23 Subscribed and sworn to
 24 before me this ____ day
 of _____, 2024

1 CERTIFICATE

2
 3
 4
 5 I, Paula Ann Erickson, Certified
 Professional Reporter, Registered Professional
 Reporter and Notary Public, do hereby certify:

6
 7 That the witness in the foregoing
 deposition named was present at the time and
 place therein specified;

8
 9 That the said proceeding was taken before
 me as a Notary Public at the same time and place
 and was taken down in shorthand writing by me;

10
 11 That this transcript is a true and
 accurate transcript of my shorthand notes so
 taken, to the best of my ability.

12
 13 I further certify that I am neither
 counsel for nor related to or employed by any of
 the parties to this action and that I am not a
 relative or employce of any counsel employed by
 the parties hercto or financially interested in
 the action.

14
 15 Paula Ann Erickson
 16 Certified Shorthand Reporter
 17 Registered Professional Reporter
 18 License No. 084-003899
 19 Notary Public

20 Dated this 12th day
 21
 22 of December, 2024.

23
24



LUIS SIFUENTES
GARCIA vs PIONEER HI-BRED ITNL.

November 06, 2024

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UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION
HADA GARCIA,)(
Plaintiff,)(
)(
VS.) (CASE NO: 3:20-CV-3322-STEM-TSH
)(
PIONEER HI-BRED) (Honorable Sue E. Myerscough
INTERNATIONAL INC.,) (Magistrate Judge Eric I. Long
CORTEVA, INC., RAS)(
AVIATION, LLC,)(
FARM AIR, INC., AND)(
CURLESS FLYING)(
SERVICE, INC.)(
Defendants.)(
)

ORAL DEPOSITION OF

LUIS SIFUENTES

November 6, 2024

ORAL DEPOSITION OF LUIS SIFUENTES, produced as a
witness at the instance of the Defendants, and duly
sworn, was taken in the above-styled and numbered
cause on the 6th of November, 2024, from 9:00 A.M. to
10:16 A.M., before NICHOLAS DELGADO, JR., CSR, in and
for the State of Texas, reported by oral stenographic
means, at the offices of Texas Rio Grande Legal Aid,
300 S. Texas Blvd., Weslaco, Texas, pursuant to the
Texas Rules of Civil Procedure and the provisions
stated on the record'or attached hereto.



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LUIS SIFUENTES
GARCIA vs PIONEER HI-BRED ITNL.

November 06, 2024

10

1 that you would report to? He was a supervisor?

2 A Yes. Yes, ma'am.

3 Q Okay. And what was your opinion of
4 Fidencio?

5 A It was -- he was all right sometimes. But
6 he wanted -- he wanted us to go in the fields when we
7 got sprayed, and we didn't went to the fields no more.
8 I mean, we didn't -- we didn't get to there because we
9 was sprayed --

10 Q Okay.

11 A -- twice, ma'am. Twice. One time it could
12 be an accident; but twice, ma'am, is no accident.
13 This why we show you guys.

14 Q Would you work with Fidencio again if given
15 the opportunity?

16 A No, ma'am.

17 Q And why not?

18 A Because he didn't take care of us.

19 Q Do you think Fidencio has some
20 responsibility for what happened to you-all?

21 A Yes, ma'am.

22 Q Okay. Are there certain procedures that are
23 supposed to be followed with workers in the fields?

24 A Not really, ma'am. We just got there -- the
25 first one to get there, we just go working on the



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LUIS SIFUENTES
GARCIA vs PIONEER HI-BRED ITNL.

November 06, 2024
14

1 A I never use phones.

2 Q Oh, okay. Okay. So you would not have any
3 photographs or videos from the second incident?

4 A Not me, ma'am. But there was some young --
5 some young people there. They were taking pictures of
6 the -- I mean, of the plane and they took some
7 pictures of the helicopter, too, ma'am. The young --
8 the young -- the young people.

9 Q Okay.

10 A Because they --

11 Q Okay.

12 A -- they use the phones and they video and
13 everything.

14 Q Did you see any type of aircraft fly over
15 the field on August 5th of 2019?

16 A Yes, ma'am. It flew over us. They spray --
17 it spray us some chemicals. I don't know what they
18 were. They sprayed some chemicals. I don't know what
19 they were, but they were hard on -- on our eyes; on
20 our throat; and our nose, ma'am.

21 Q Okay.

22 A And we --

23 Q Can you describe -- can you describe for me
24 what the aircraft looked like to the best of your
25 recollection?



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LUIS SIFUENTES
GARCIA vs PIONEER HI-BRED ITNL.

November 06, 2024
18

1 A But it came back and -- and the man was in
2 the -- in top of the bus with a white T-shirt. He --
3 they -- they saw it. Everybody saw it, ma'am.

4 Q Okay. So it flew over you once and then you
5 exited the field; is that correct?

6 A Yes. Yes, ma'am. But the plane went like
7 that and came back. But we didn't saw. It --
8 straight again because we -- I was washing my -- I'm
9 talking about myself. I was washing my face; but the
10 plane came back, ma'am.

11 Q Did you exit the field because of the
12 airplane or were you already done your work for that
13 day?

14 A No. No, ma'am. We were in the middle of
15 the field. In the middle of the fields and they --
16 they started honking. And we saw the guy in top of
17 the bus with a white T-shirt waving at the airplane.
18 We just went out. We had to go out.

19 Q Okay. Do you know who was on top of the
20 bus?

21 A I don't recall, ma'am. I can't recall that,
22 but it was a guy on top of the bus.

23 Q Was it the bus driver who was standing on
24 top of the bus?

25 A No. I think it was the safety man, ma'am.



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LUIS SIFUENTES
GARCIA vs PIONEER HI-BRED ITNL.
GARCIA vs PIONEER HI-BRED ITNL.

November 06, 2024
November 06, 2024

1 A We were in the half of the field the first
2 time, but it came back --
3 Q Yes, the first time.
4 A Yeah, we -- we were in the half of the field
5 working. But we heard somebody honk, I mean --
6 Q So --
7 A -- the honking. And we saw --
8 Q Okay.
9 A -- and we saw somebody with a white T-shirt
10 on top of the bus waving so we can go out. And we
11 went out but --
12 Q I just want to make sure I understand. Had
13 you already started to exit the field when the plane
14 flew --
15 A No.
16 Q -- over you?
17 A No, ma'am. We were in the middle of the
18 field. We didn't heard it -- we didn't hear it --
19 Q Okay.
20 A -- because it was a long -- a long -- there
21 was a long --
22 Q Okay. And you mentioned previously a smell?
23 A Yes. Like something -- like, I'm a --
24 Q Can you --
25 A -- like, I'm a painter, you know. And I



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LUIS SIFUENTES
~~GARCIA vs PIONEER~~ GARCIA vs PIONEER HI-BRED ITNL.
GARCIA vs PIONEER HI-BRED ITNL.

November 06, 2024
November 06, 2024

1 smell a lot of lacquer, boxy [sic] paint, and thinner;
2 but that smell was more than -- more stronger than
3 that, ma'am.

4 Q Okay. So the smell that you smelled was
5 stronger than paint thinner?

6 A Than lacquer thinner.

7 Q Okay. Now, did -- I guess, did you --
8 who -- did you sit next to anyone on the bus ride
9 home, or did you have your own seat?

10 A No. We -- we sit in the next bus. I was
11 sitting next to Gilbert Sanchez, but he already passed
12 away.

13 Q Okay. And the -- the bus took you
14 immediately back to your hotel --

15 A Yes.

16 Q -- correct?

17 A Yes.

18 Q Did you have any issues immediately?

19 A No. We had -- I mean, we only clean
20 ourself, ma'am. Because we had to gets our own water.
21 Because Fidencio threw a jar -- a big jar with ice on
22 top of the -- Andrew. He threw all the water him in
23 his head, you know.

24 Q So before you left the fields, did you --
25 did you wash or do any type of decontamination at



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LUIS SIFUENTES
GARCIA vs PIONEER HI-BRED ITNL.

November 06, 2024
27

1 (Simultaneous speaking).

2 A Yeah, I was washing -- I was washing myself
3 with -- okay.

4 I was washing myself with a jar because
5 I always carry a jar of water, and I wash myself with
6 that.

7 Q Okay. So you washed yourself at the field
8 before you left and went back to the hotel?

9 A I was washing in the -- in the buses. As we
10 were driving home, I was washing myself in the bus.
11 Everybody was washing themselves -- cleaning themselves.

12 Q Okay. Was there any type of area available
13 at the field for you to wash yourself?

14 A There was no water in the toilets, ma'am.

15 Q Okay. So did you have any complaints
16 immediately after being sprayed?

17 A The only thing I did -- I -- I just went to
18 the hospital next day because there was -- I was
19 itching all over myself. I mean, my -- my arms, my
20 throat hurt, my eyes, my nose. Every -- I was -- my
21 throat was -- it was closing up, you know. And me and
22 Gilbert went to the -- to the hospital in Carlet
23 [sic].

24 They -- they got all my --

25 Q Okay.



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LUIS SIFUENTES
GARCIA vs PIONEER HI-BRED ITNL.
GARCIA vs PIONEER HI-BRED ITNL.

November 06, 2024
November 06, 2024

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UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION
HADA GARCIA,)(
Plaintiff,)(
VS.) (CASE NO: 3:20-CV-3322-STEM-TSH
PIONEER HI-BRED) (Honorable Sue E. Myerscough
INTERNATIONAL INC.,) (Magistrate Judge Eric I. Long
CORTEVA, INC., RAS) (
AVIATION, LLC,) (
FARM AIR, INC., AND) (
CURLESS FLYING) (
SERVICE, INC.) (
Defendants.) (

REPORTER'S CERTIFICATION
ORAL DEPOSITION OF
LUIS SIFUENTES
November 6, 2024

I, NICHOLAS DELGADO, JR., Certified
Shorthand Reporter in and for the State of Texas,
hereby certify to the following:

That the witness, LUIS SIFUENTES, was duly
sworn by the officer and that the transcript of the
oral deposition is a true record of the testimony
given by the witness;

That the deposition transcript was submitted
on _____, 2024, to the witness
or to the attorney for the witness for examination,
signature and return to Esquire Deposition Solutions
by _____, 2024;

That the amount of time used by each party
at the deposition is as follows:

MS. JENNIFER A. DANCY - 0 Hours:37 Minutes
MR. MICHAEL MCGRORY - 0 Hours:39 Minutes



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LUIS SIFUENTES
GARCIA vs PIONEER HI-BRED ITNL.
GARCIA vs PIONEER HI-BRED ITNL.

November 06, 2024
November 06, 2024

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That pursuant to information given to the deposition officer at the time said testimony was taken, the following includes counsel for all parties of record:

MS. AGNES KIM BAIK, Attorney for Plaintiff
MS. LISA PALUMBO, Attorney for Plaintiff
MS. JENNIFER A. DANCY, Attorney for Defendant Curless Flying Service, INC., and Farm Air, INC.

MR. MICHAEL MCGRORY, Attorney for Defendant RAS Aviation, LLC

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Further certification requirements pursuant to Rule 203 of TRCP will be certified to after they have occurred.

Certified to by me this 14th day of November, 2024.



NICHOLAS DELGADO, JR., Texas CSR 13052
Expiration Date: 09-30-2026
Esquire Deposition Solutions, LLC
Firm Registration No. 03
1235 North Loop West, Suite 510
Houston, Texas 77008
713-524-4600



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MIGUEL CAVAZOS SIFUENTES
GARCIA vs PIONEER HI-BRED INTERNATIONAL

August 20, 2024
56

1 A. Yes.

2 Q. So they asked you to leave the field on
3 August 5th, 2019?

4 A. Yes.

5 Q. And then they sprayed the field?

6 A. No, they sprayed -- they sprayed it when we
7 were working there.

8 Q. When they asked you to leave the field, why did
9 they ask you to leave the field?

10 A. Cause we -- we had -- we had -- we -- they
11 sprayed us -- they spray us and then -- then we went to
12 the bus and then they told us to -- to -- to go back to
13 the field. But we tried to, but we didn't -- we
14 didn't -- we didn't went through it.

15 Q. Could you repeat that please? What do you mean
16 you went through it?

17 A. They -- they ask us to go back to work, but
18 no -- the people didn't want to go back to work.

19 Q. Did you get any notice while you were working
20 that you were going to be sprayed on August 5th, 2019?

21 A. No.

22 MS. BAIK: Objection; form. You can answer,
23 Miguel.

24 A. No.

25 Q. (BY MR. AGRAWAL) Tell me something. What was



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MIGUEL CAVAZOS SIFUENTES
GARCIA vs PIONEER HI-BRED INTERNATIONAL

August 20, 2024
62

1 Q. When did you first become aware of the
2 airplane?

3 A. When it -- when -- it happened so fast that
4 we -- he got -- we got sprayed. I got sprayed and I
5 just saw the airplane.

6 Q. Did you hear the airplane before?

7 A. Yes.

8 Q. Okay. Like how long before you got sprayed did
9 you hear it?

10 A. Couple seconds.

11 Q. So did you see the airplane before you heard
12 it?

13 A. No.

14 Q. Was anybody pointing out the airplane or
15 yelling and saying there's a plane?

16 A. Yes.

17 Q. Okay.

18 A. Yes.

19 Q. How -- okay. Do you know who was saying that?

20 A. No.

21 Q. Were the other workers around you saying there
22 was a plane?

23 A. Yes.

24 Q. Okay. Were they pointing to it?

25 A. I don't -- I don't know.



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MIGUEL CAVAZOS SIFUENTES
GARCIA vs PIONEER HI-BRED INTERNATIONAL

August 20, 2024
67

1 Q. Okay. So you ran towards the front?

2 A. To the front.

3 Q. Okay. So -- so the airplane is coming towards
4 you. When it was coming towards you, was it spraying
5 the crops?

6 A. Yes.

7 Q. Okay. So the plane was coming towards you and
8 you got sprayed, and so you ran in the direction in
9 which it had just sprayed the crops?

10 A. Cause the --

11 (Speaking simultaneously.)

12 MS. BAIK: Objection; form. You can answer.

13 Q. (BY MR. AGRAWAL) And then what were the other
14 workers saying when -- or doing when the plane was
15 spraying and coming towards you?

16 A. When we got sprayed, everybody ran. They were
17 yelling, they were honking, the buses were honking, the
18 fieldmen were -- were honking and we all ran outside --
19 to the -- outside the field.

20 Q. Okay. Did -- did you see that airplane
21 spraying any of the crops before it sprayed you, like
22 right before?

23 A. No.

24 Q. Could you smell anything?

25 A. No.



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MIGUEL CAVAZOS SIFUENTES
GARCIA vs PIONEER HI-BRED INTERNATIONAL

August 20, 2024
68

1 Q. Did -- did -- was there a color to anything
2 that was sprayed on you?

3 A. No, it just -- I just felt wet.

4 Q. You just felt wet?

5 A. Uh-huh.

6 Q. Okay. And how -- how wet did you feel?

7 A. Like when you -- like somebody sprinkle you
8 with water.

9 Q. Okay. So there's different ways to sprinkle
10 you with water, right?

11 A. Uh-huh.

12 Q. So did it just sort of -- I mean, were you
13 completely drenched or just --

14 A. Just -- just --

15 Q. -- a little --

16 A. Just sprinkled, like --

17 Q. Like a light rain?

18 A. Yeah, like a light rain.

19 Q. Okay. But did -- but it didn't smell like
20 anything?

21 A. Yes.

22 Q. What did it smell like?

23 A. Some kind of chemical.

24 Q. Well, there's all kind of chemical smells.

25 A. Well --



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MIGUEL CAVAZOS SIFUENTES
GARCIA vs PIONEER HI-BRED INTERNATIONAL

August 20, 2024
69

1 Q. Give me a description.

2 A. It didn't smell like water.

3 Q. It smelled like water?

4 A. No, it didn't -- it didn't smell like water.

5 Q. Did it smell like gasoline?

6 A. No, it just smelled different.

7 Q. Okay. So you -- you -- the plane came, it
8 sprayed you guys and you -- you -- you ran forward to
9 get on the buses?

10 A. Yes.

11 MS. BAIK: Objection; form.

12 Q. (BY MR. AGRAWAL) Did you like remove any
13 clothing after you got sprayed right there?

14 A. Yes, yes.

15 Q. What did you take off?

16 A. My shirt.

17 Q. Okay. Did you have another shirt with you?

18 A. I had a t-shirt under.

19 Q. Okay. All right. And how long did you stay on
20 the bus?

21 A. Like half an hour.

22 Q. Okay. And you said the plane then -- you --
23 flew back -- fly over the bus, right?

24 A. Yes.

25 Q. Did you see where it was going?



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MIGUEL CAVAZOS SIFUENTES
GARCIA vs PIONEER HI-BRED INTERNATIONAL

August 20, 2024
74

1 with water.

2 Q. Okay. Did you rinse yourself with water?

3 A. Yes.

4 Q. Okay. Where did you get the water from?

5 A. From the drinking water.

6 Q. Okay. And what did Federico [sic] Salinas say
7 to you guys?

8 A. He just -- he just told us that we needed to go
9 back to work at that -- at that moment. And -- and we
10 tried to go back to work, but we couldn't because we
11 were -- eyes were burning, we were coughing until we --
12 we -- we -- they took us home to the apartment.

13 Q. So -- all right. And after you got home from
14 the field, all right, what did you do?

15 A. Well, they took us in a bus and the young guy
16 that was -- he was -- we told him to take us to the
17 hospital. And the bus driver told us that Fidencio said
18 just to take us to the -- to the apartment. They took
19 us to the apartment and then we -- we -- we got there.
20 We all called the ambulance cause they didn't want to
21 call the ambulance. We called them, they came for the
22 guy that was suffocating and --

23 Q. So who -- what -- sorry, let's back up.
24 Somebody was suffocating?

25 A. Yes.



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MIGUEL CAVAZOS SIFUENTES
GARCIA vs PIONEER HI-BRED INTERNATIONAL

August 20, 2024
75

1 Q. Who?

2 A. The young guy, his name was --

3 Q. Did you say Andre?

4 A. Andre, yes.

5 Q. So you called an ambulance, how -- how did you
6 call the ambulance?

7 A. There was somebody there around had a phone and
8 they called the ambulance.

9 Q. Okay. They called 911?

10 A. Yes.

11 Q. Okay. Did you go to -- to the hospital with
12 Andre?

13 A. No.

14 Q. Did you go to the hospital that day?

15 A. No.

16 Q. Did you ever go to the emergency room?

17 A. No.

18 Q. Okay. Why -- why did you think that you
19 shouldn't go to the emergency room when Andre was
20 suffocating?

21 A. Cause I just -- I -- I just didn't -- didn't
22 went.

23 Q. Okay. So you know when you guys were working
24 in the rows, right, where was Andre next to you compared
25 to you? I mean, you said there's Luis, Gilbert, Andre



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MIGUEL CAVAZOS SIFUENTES
GARCIA vs PIONEER HI-BRED INTERNATIONAL

August 20, 2024
169

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Certified to by me this 13th day of
September, 2024.



ANDREA PENA, Texas CSR 11893
Expiration Date: 06-30-25
Esquire Deposition Solutions
1700 Pacific Avenue, Suite 1000
Dallas, Texas 75204
Registration No. 286



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ALBERTO MONTALVO JR.
GARCIA vs PIONEER HI-BRED

May 30, 2024
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UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

HADA GARCIA,)
)
Plaintiff,)
)
VS) No. 3:20-cv-3322-STEM-TSH
)
PIONEER HI-BRED)
INTERNATIONAL, INC, CORTEVA)
INC., RAS AVIATION, LLC,)
FARM AIR, INC., and CURLESS)
FLYING SERVICE, INC.,)
)
Defendants,)

The video teleconference deposition of
ALBERTO MONTALVO, JR., taken pursuant to the
provisions of the Code of Civil Procedure and the
Rules of the Supreme Court of the State of Illinois
pertaining to the taking of depositions for the
purpose of discovery, taken before Ms. Vernetta
McCree, Notary Public and Certified Shorthand Reporter
in the County of Will, State of Illinois on the 30th
day of May, A.D., 2024 at 9:06 a.m.



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CURLESS001608

ALBERTO MONTALVO JR.
GARCIA vs PIONEER HI-BRED

May 30, 2024
31

1 your emotional distress symptoms stemming from August
2 5th, 2019?

3 A. I remember I was scared and, yeah.

4 Q. What were you scared of?

5 A. What was going on, the planes and--

6 Q. I'm listening. You said what was going on
7 and the planes. Was it more than just one plane?

8 A. It was just one plane.

9 Q. And what was going on, to use your words?

10 A. I got sprayed. I ran out the field and I
11 didn't know what was happening, like why did we get
12 sprayed, and it kept on going.

13 Q. Explain what kept on going?

14 A. The plane kept on spraying over us.

15 Q. How do you know you were sprayed?

16 A. I heard the plane, I looked up and it was
17 leaking. I felt it on my shirt. I felt it going
18 through my shirt.

19 Q. What went through your shirt?

20 A. The liquid that was spraying, the
21 pesticides or whatever it was.

22 Q. So, you're sure it was wet?

23 A. Yes.

24 Q. How wet?



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ALBERTO MONTALVO JR.
GARCIA vs PIONEER HI-BRED

May 30, 2024
65

1 north in the field, south, east or west, do you?

2 A. No, I don't.

3 Q. Where were you when you saw the airplane
4 fly overhead?

5 MS. MITCHELL: Objection, vague. Again, you
6 asking him to place on the map or just describe from
7 some other landmark?

8 Q. On August 5th you claim that my client's
9 airplane flew over you. Where did you see them,
10 forget the map, just tell me what you saw?

11 A. I was on the right side towards the end of
12 the field and where you could hear the plane; of
13 course, I looked up and the plane is flying over me,
14 and it's got this mist just spraying us.

15 Q. What else can you describe about that?

16 A. It passed twice, then I called my dad and
17 asked him do you see the plane? It's spraying over
18 us. He told me to go get out, so I ran out and wait
19 on the bus and then we started honking the horns and
20 everyone got out. They told us to go back in. My dad
21 didn't let me go back in.

22 Q. You testified that when you saw the
23 airplane for the first time you were on the right side
24 toward the end of the field.



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ALBERTO MONTALVO JR.
GARCIA vs PIONEER HI-BRED

May 30, 2024
70

1 white at all times that you observed it?

2 A. Yes.

3 Q. Was there an odor to the mist or spray
4 that you saw?

5 A. Yes, I remember that it smelled like
6 something. I don't remember exactly what it smelled
7 like, but yeah.

8 Q. How strong was the odor?

9 A. It was very strong.

10 Q. But you can't describe it better than
11 that?

12 A. No.

13 Q. Talk to me about the direction of this
14 spray. The spray was coming from, off the wings
15 behind the aircraft, is that true?

16 A. It was, yeah, it was -- yeah, it was
17 coming off the side wings, right by the wings.

18 Q. Got you. And, what did you observe the
19 spray do?

20 A. It would just run straight down, it fell
21 on top of us. I felt it.

22 Q. And your testimony is that it -- well, you
23 testified earlier that spray can come down like right
24 above you like rain, do I have that right?



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ALBERTO MONTALVO JR.
GARCIA vs PIONEER HI-BRED

May 30, 2024
82

1 cold.

2 Q. Why did you do all that?

3 A. Because I had gotten sprayed.

4 Q. Did someone tell you to rinse off? You
5 just decided to do that?

6 A. Yeah.

7 Q. I don't know what you're saying yeah to.

8 A. I believe my dad was the one that told me
9 to rinse off.

10 Q. What did he say to you?

11 A. He said he asked me can you feel it
12 through your shirt? I said yeah, when it landed on
13 me. He said well, just rinse off with the water from
14 the port-a-potties.

15 Q. You went to the hospital at some point, is
16 that right?

17 A. Yeah.

18 Q. Why did you go to the hospital?

19 A. I felt disoriented, I had a headache,
20 there was more reasons why, I don't remember the rest.

21 Q. So, let's talk about the disorientation
22 and the headache. When did those first present?

23 A. I'm going to say like 10, 20 minutes after
24 sitting on the bus.



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ALBERTO MONTALVO JR.
GARCIA vs PIONEER HI-BRED
GARCIA vs PIONEER HI-BRED
GARCIA vs PIONEER HI-BRED
STATE OF ILLINOIS)

May 30, 2024
May 30, 2024

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) SS
COUNTY OF C O O K)

CERTIFICATE

I, VERNETTA H. MCCREE, a Notary Public within and for the County of Will, State of Illinois, and a Certified Shorthand Reporter of said state, do hereby certify;

That previous to the commencement of the examination of the witness, the witness was duly sworn to testify the whole truth concerning the matters herein;

That the foregoing deposition transcript was reported stenographically by me, was thereafter reduced to typewriting under my personal direction and constitutes a true record of the testimony given and the proceedings had;

That the said deposition was taken before me at the time and place specified;

That I am not a relative or employee or attorney or counsel, nor a relative or employee of such attorney or counsel for any of the parties hereto, nor



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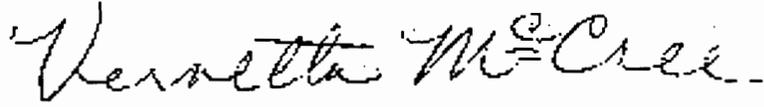
ALBERTO MONTALVO JR.
GARCIA vs PIONEER HI-BRED
GARCIA vs PIONEER HI-BRED

May 30, 2024
May 30, 2024

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interested directly or indirectly in the outcome of
this action.

IN WITNESS WHEREOF, I do hereunto set my hand of
office at Crete, Illinois this 6th day of September,
2024.



VERNETTA H. MCCREE
Notary Public, Will County, Illinois
My commission expires 08/15/2026



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ALBERTO MONTALVO
GARCIA V. PIONEER HI-BRED INT'L

May 14, 2024
1-4

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE CENTRAL DISTRICT OF ILLINOIS
3 SPRINGFIELD DIVISION
4 HADA GARCIA,)
5 Plaintiff,)
6 -vs-) Case No:
7 PIONEER HI-BRED) 3:20-cv-3322-STEM-
8 INTERNATIONAL, INC.,) TSH
9 CORTEVA, INC., RAS)
10 AVIATION, LLC, FARM AIR,)
11 INC., and CURLESS FLYING)
12 SERVICE, INC.,)
13 Defendants.)
14
15 The deposition of ALBERTO MONTALVO,
16 via Zoom, called for examination, taken pursuant to
17 the Federal Rules of Civil Procedure of the United
18 States District Courts pertaining to the taking of
19 depositions, taken before NANCY A. GUIDOLIN, CSR
20 No. 84-2531, a Notary Public within and for the
21 County of DuPage, State of Illinois, and a
22 Certified Shorthand Reporter of said state, at
23 Edinburg, Texas, on the 14th day of May, 2024,
24 commencing at 9:00 a.m.

Page 2

1 PRESENT: (VIA ZOOM)
2
3 LEGAL AID CHICAGO,
4 (120 South LaSalle Street, Suite 900,
5 Chicago, Illinois 60603,
6 312-229-6360), by:
7 LISA PALUMBO, ESQ.,
8 lpalumbo@legalaidchicago.org,
9
10 -and-
11
12 TEXAS RIO GRANDE LEGAL AID,
13 (300 South Texas Boulevard,
14 Weslaco, Texas 78596,
15 956-447-4800), by:
16 ERIN SIDONIA MITCHELL, ESQ.,
17 smitchell@trla.org,
18 LAKSHMI RAMAKRISHNAN, ESQ.,
19 lrnakrishnan@trla.org,
20 appeared on behalf of the Plaintiffs
21 (except Gilbert Sanchez, Jr.);
22
23
24

Page 3

1 PRESENT: (VIA ZOOM)
2
3 TRESSLER LLP,
4 (233 South Wacker Drive, 61st Floor,
5 Chicago, Illinois 60606,
6 312-627-4000), by:
7 TIMOTHY M. RAVICH, ESQ.,
8 travich@tresslerllp.com,
9 appeared on behalf of Defendants
10 Farm Air, Inc. and Curless Flying
11 Service, Inc.;
12
13 SANCHEZ DANIELS & HOFFMAN, LLP,
14 (333 West Wacker Drive, Suite 500,
15 Chicago, Illinois 60606,
16 312-641-1555), by:
17 BRIAN H. SANCHEZ, ESQ.,
18 BSanchez@SanchezDH.com,
19 appeared on behalf of Defendants
20 Pioneer Hi-Bred International, Inc.
21 and Corteva, Inc.;
22
23
24

Page 4

1 PRESENT: (VIA ZOOM)
2
3 SMITH AMUNDSEN LLC,
4 (150 North Michigan Avenue, Suite 3300,
5 Chicago, Illinois 60601,
6 312-849-3200), by:
7 BRANDT MADSEN, ESQ.,
8 bmdadsen@salawus.com,
9 appeared on behalf of Defendant
10 RAS Aviation, L.L.C.
11
12
13
14
15
16
17
18
19
20
21
22
23 REPORTED BY: NANCY A. GUIDOLIN, C.S.R.,
24 CERTIFICATE NO. 84-2531.



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ALBERTO MONTALVO
GARCIA V. PIONEER HI-BRED INT'L

May 14, 2024
117-120

Page 117

1 A. Yes.

2 Q. How did you know to do that, or what was

3 your thinking there?

4 A. Somebody, I don't know who it was, they

5 told us that to meet at a certain place so we can

6 file a complaint or whatever.

7 Q. You don't remember who told that to you?

8 A. I can't remember who it was.

9 Q. Was it someone who was in the field on

10 August 5th?

11 A. Yeah. Yes.

12 Q. Male or female?

13 A. I don't remember.

14 Q. What did they tell you to the best of

15 your memory?

16 A. That if we wanted to file a complaint or

17 do something legally, to go meet there.

18 Q. And how did you hear about the group?

19 A. Somebody -- some worker told us. I

20 can't remember who it was, though.

21 Q. Do you remember when?

22 A. No, it was maybe a few days later or a

23 day.

24 Q. How many people -- I'm sorry.

Page 118

1 A. I'm clearing my thought.

2 Q. How many people were in the group?

3 A. Like the whole group?

4 Q. Yes, sir.

5 A. It's a lot of people. Let's see. I

6 would say probably over a hundred, more or less.

7 Q. And what was the purpose of the group?

8 Obviously, complaining, but what did it do?

9 A. I mean, the people that complained, I

10 don't know how many there were. There were

11 probably maybe 50 or 60. Not all of the people

12 that were in the field went to get help.

13 Q. In terms of medical, on August 5th did

14 you seek treatment on that day, on August 5th,

15 2019?

16 A. Yes, we went to the hospital.

17 Q. Did someone instruct you to go or did

18 you go of your own accord?

19 A. I heard somebody tell us to go. I don't

20 remember who, but I was more -- I don't know. I

21 was more scared than anything else, so we went,

22 like, a few hours later to go and get checked out

23 to see -- I don't know, to see if anything was

24 going to happen to us, because we were scared,

Page 119

1 after seeing the symptoms that I had, and then I

2 seen my son, he was very, very disoriented.

3 Q. I understand that you don't recall who

4 told you to go and see medical care, but was it a

5 supervisor or co-worker of yours?

6 A. I don't remember.

7 Q. It could have been a supervisor?

8 A. Yeah, it was either a supervisor or a

9 co-worker.

10 Q. But not both?

11 A. I don't remember.

12 Q. What hospital, if any, did you go to?

13 A. I think that it was St. Mary's or

14 something like that.

15 Q. And how did you pick that hospital?

16 A. That's where everybody was going, so we

17 just went to the hospital. I think that they might

18 have, like, a contract or something with a company.

19 I'm not too sure.

20 Q. How did you get there?

21 A. My personal vehicle.

22 Q. Okay. You were able to drive?

23 A. Yes.

24 Q. And I want to be clear. So after you

Page 120

1 got back on the bus, where did you all go?

2 A. Back to the hotel.

3 Q. All right. What did you do at the

4 hotel?

5 A. Shower, and try to make sense of --

6 yeah, try to calm down and make sense of what just

7 occurred.

8 Q. It took about 45 minutes I'm assuming,

9 based on your earlier testimony, to go from the

10 field back to the hotel?

11 A. Yes, more or less. 45 minutes to an

12 hour depending.

13 Q. How long were you at the hotel for?

14 A. A few hours. We later made the decision

15 to go and see somebody, because we were -- clearly

16 our symptoms were not going away, and my son -- I

17 was more concerned about my son than anything else.

18 We decided to go -- I think that it was late

19 already. It was probably between 7 and 9 at night.

20 Q. The clothes that you had worn, what did

21 you do with them?

22 A. The supervisor told us to wash

23 everything.

24 Q. And did you?



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ALBERTO MONTALVO
GARCIA V. PIONEER HI-BRED INT'L

May 14, 2024
225-228

Page 225

1 Q. In the exchange just a moment ago with
2 Mr. Sanchez, the observation was made that there
3 was no video of the airplane actually spraying. Do
4 you recall that?
5 A. Yes.
6 Q. To which you testified that it doesn't
7 mean that I didn't see it with your own eyes. Do
8 you remember that?
9 A. Yes.
10 Q. What evidence other than your own eyes
11 do you have of the airplane spraying on August 5,
12 2019?
13 A. I guess the immediate symptoms that we
14 were experiencing at the time.
15 Q. Anything else?
16 A. The smell on the clothes, the clothes
17 being wet from the site.
18 Q. So the clothes are evidence of the
19 spraying on August 5th?
20 A. Yeah, but we washed the clothes.
21 Q. All right. Who told you to do that?
22 A. Fidencio.
23 Q. And that evidence is gone now; right?
24 A. Yes.

Page 226

1 Q. Do you have any evidence other than your
2 eyeballs, your perception of the actual path that
3 the airplane took on August 5th?
4 A. No.
5 Q. Do you have any evidence to confirm that
6 what you saw is how it happened that way?
7 A. No. Just, like I said, from the
8 symptoms at the time.
9 Q. We're talking about the trajectory of
10 the plane. I understand your point about the
11 symptoms. Do you have any evidence other than what
12 you've testified to to prove that the airplane flew
13 at the height, at the speed, in the direction that
14 you saw that it did?
15 A. No.
16 Q. For clarification, the video that
17 Mr. Sanchez showed you looked like there was an
18 exchange between you and some of the pushers or
19 Pioneer crew. Did they know that you were taking
20 that video?
21 A. I don't remember. I don't think so.
22 Q. Did you tell them that I'm taking a
23 video?
24 A. No.

Page 227

1 Q. Did you make a conscious decision not to
2 tell them that?
3 A. I didn't really think about it. I just
4 started recording.
5 Q. You mentioned that some of the decisions
6 that you made were because of quote, unquote,
7 chaos. What chaos existed on August 5th that
8 stopped you from making those sorts of decisions?
9 A. Everybody was running -- coming out and
10 screaming and the airplane passing over and over
11 again.
12 Q. You also testified that there were four
13 buses at the field that day, each bus had about 25
14 to 30 people; correct?
15 A. Correct.
16 Q. Is it the case that only the people on
17 your bus complained about getting sprayed on August
18 5th?
19 A. Can you repeat that again?
20 Q. Sure. You testified that there were
21 four buses at the field that day, each bus with
22 approximately 25 to 30 people on the bus. Is it
23 the case that only the people on your bus
24 complained about being sprayed?

Page 228

1 A. I don't know. I have no idea if they
2 were the only ones on the bus that complained about
3 it.
4 Q. Well, do you know anybody on the other
5 buses who complained about being sprayed?
6 A. I don't know.
7 Q. Did you know at some point?
8 A. I thought that it was, like, all mixed
9 up, all of the buses.
10 Q. Why did you think that?
11 A. Because everybody was on the field. I
12 just assumed --
13 Q. I'm sorry. Go ahead.
14 A. I just assumed that everybody that was
15 complaining was on different buses or mixed up.
16 Q. I'm referring to paragraph 173.
17 Paragraph 173 of your Complaint says this, "About
18 15 minutes after the plane first flew overhead, PHI
19 managers ordered the workers to go back into the
20 same field to continue working."
21 Do you understand that sentence?
22 A. Yes. PHI --
23 Q. I'm sorry. PHI is Pioneer. I am happy
24 to repeat it. I know that I am reading it to you.



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ALBERTO MONTALVO
GARCIA V. PIONEER HI-BRED INT'L

May 14, 2024
241-244

Page 241

1 spraying.
 2 MR. RAVICH: All right. Fine. I have nothing
 3 further. I will try to save this as an exhibit,
 4 and get it to everybody, but I will pass the
 5 witness, Sidonia, if you have anything further.
 6 MS. MITCHELL: Can we take a three-minute
 7 break.
 8 MR. RAVICH: Of course.
 9 (WHEREUPON, a recess was had.)
 10 MR. RAVICH: Back on the record for a moment.
 11 Just for housekeeping. So, Sidonia, what I'm doing
 12 is I'm copying and pasting, as Mr. Madsen did, this
 13 document and putting it in a Word document. I
 14 think that I am still sharing screen. I will show
 15 you that I am creating this. Here is a paste. We
 16 are good? This is the same thing?
 17 MS. MITCHELL: Yeah, all good.
 18 MR. RAVICH: And then, I am not sure, but we
 19 will save it as Exhibit H?
 20 MR. MADSEN: No. We're past H.
 21
 22
 23
 24

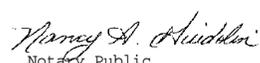
Page 242

1 MR. RAVICH: So Exhibit I. I will save this ,
 2 and then I will circulate it to everybody. I will
 3 make this into a PDF.
 4 (WHEREUPON, a certain document was
 5 marked Montalvo Deposition
 6 Exhibit I for identification, as of
 7 5-10-24.)
 8 MS. MITCHELL: Off the record?
 9 MR. RAVICH: Sure.
 10 (WHEREUPON, a discussion was had off
 11 the record.)
 12 MS. MITCHELL: Back on the record. We will
 13 reserve our questions for the time of trial.
 14 MR. RAVICH: Thank you very much,
 15 Mr. Montalvo.
 16 THE WITNESS: Thank you, sir.
 17 MS. MITCHELL: We will take a read and sign
 18 copy.
 19 (WHEREUPON, the deposition was
 20 concluded at 2:55 p.m., this date.)
 21
 22
 23
 24

Page 243

1 STATE OF ILLINOIS)
 2) SS:
 3 COUNTY OF DU PAGE)
 4
 5 I, NANCY A. GUIDOLIN, CSR No. 84-2531, a
 6 Notary Public within and for the County of DuPage,
 7 State of Illinois, and a Certified Shorthand
 8 Reporter of said state, do hereby certify:
 9 That previous to the commencement of the
 10 examination of the witness, the witness was duly
 11 sworn to testify the whole truth concerning the
 12 matters herein;
 13 That the foregoing deposition transcript
 14 was reported stenographically by me, was thereafter
 15 reduced to typewriting under my personal direction
 16 and constitutes a true record of the testimony
 17 given and the proceedings had;
 18 That the said deposition was taken
 19 before me at the time and place specified;
 20 That I am not a relative or employee or
 21 attorney or counsel, nor a relative or employee of
 22 such attorney or counsel for any of the parties
 23 hereto, nor interested directly or indirectly in
 24 the outcome of this action.

Page 244

1 IN WITNESS WHEREOF, I do hereunto set my
 2 hand of office at Chicago, Illinois, this 26th day
 3 of May, 2024.
 4
 5
 6
 7
 8 
 9 Notary Public,
 10 DuPage County, Illinois.
 11
 12 NANCY A. GUIDOLIN, CSR No. 84-2531
 13
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CURLESS001801

UNITED DISTRICT COURT FOR THE CENTRAL DISTRICT
OF ILLINOIS
SPRINGFIELD, ILLINOIS

HADA GARCIA,)	
)	
Plaintiff,)	
)	
vs.	)	3:20-cv-3322-STEM-TSH
)	
Pioneer HI-BRED)	
INTERNATIONAL, CORTEVA,)	
INC., RAS AVIATION,)	
LLC, FARM AIR, INC. and)	
CURLESS FLYING SERVICE,)	
INC.,)	
)	
Defendants.)	

The videoconference deposition of HADA GARCIA, for examination taken in the above-entitled cause before Susan M. Sychta, CSR, CP, CM, the deposition being taken via remote videoconference, with all parties present by videoconference, on the 20th day of September, 2024, at the hour of 9:00 a.m.



CURLESS002469

Page 26

1 A. Yes.
2 Q. Okay. And did the plane fly directly
3 over you while you were in the field?
4 A. Yes. It passed over all of us, and
5 after we left the field the first time, all of us,
6 the airplane was going over.
7 Q. Okay. So let me try to understand.
8 Did the airplane pass over you and then you exited
9 the field for a half an hour?
10 A. When we came out the first time, we
11 were waiting about half an hour. We're talking
12 about the second incident, right?
13 Q. The second incident only. I -- all of
14 my questions that I'm asking to you are only about
15 the second incident.
16 A. All right. So we were in the field
17 when the plane passed over and sprayed. We left
18 the field and waited a half hour to see what was
19 going to happen. And about half an hour, the
20 plane came again and sprayed again.
21 Q. Okay. And did the airplane spray
22 directly on top of you?
23 A. Yes.
24 Q. Did your clothing -- go ahead.

Page 27

1 A. So that corn was taller than we were.
2 And the airplane flied over and it had spray.
3 Q. How did you know that the airplane was
4 spraying?
5 A. It's like a breeze that comes by and
6 you can see it, you can see it.
7 Q. Okay. So you saw the spray from,
8 exiting from the airplane?
9 A. Yes.
10 Q. Did your clothing get wet?
11 A. Wet, no.
12 Q. How many times did the airplane pass
13 over you before you exited the field the first
14 time?
15 A. I don't remember. I don't remember.
16 Q. And can you describe to the best of
17 your recollection what the airplane looked like?
18 A. All I remember that it was yellow.
19 Q. Okay. And do you recall how high the
20 aircraft was moving over the top of the corn?
21 A. I don't remember how high, but you
22 could see it well.
23 Q. So you were able to see the aircraft
24 from where you were standing in the field?

Page 28

1 A. Yes.
2 Q. How did you know to exit the field the
3 first time?
4 A. Because the sirens started to go off.
5 Q. Go ahead.
6 A. So after the first, after the first
7 incident, we were all nervous after that.
8 Q. And the first incident, the one that
9 was happening, you mean with the helicopter
10 several days prior?
11 A. Yes.
12 Q. So you mentioned that there was an
13 alarm that went off?
14 A. It was like a siren. I don't know if
15 it came from the busses. I'm not sure what it
16 was.
17 Q. Does that siren, did it indicate that
18 you need to exit the field or it's the end of the
19 day?
20 A. No, that we had to get out of the
21 field, that something was happening.
22 Q. Okay. And have you heard that sound
23 before August 5th?
24 A. No, I don't remember.

Page 29

1 Q. Okay. Now, you --
2 MS. MITCHELL: It's been over an hour.
3 Is this a good spot to take a break for just
4 a couple minutes coming up?
5 MS. DANCY: Yes. Can we have about
6 five minutes and then we can take a break?
7 MS. MITCHELL: Sure.
8 BY MS. DANCY:
9 Q. When you exited the field for the first
10 time, where did you go?
11 A. The first time the bus.
12 Q. Okay. So were your children with you
13 on the bus?
14 A. Yes.
15 Q. Okay. And you waited on the bus for a
16 period of time around 30 minutes or so?
17 A. All right. So sorry, I was a little
18 confused. So in this incident when we were
19 waiting about 30 minutes, we went to -- like they
20 had a canopy set up where you would start your
21 workday and where they had bathrooms. I was a
22 little confused. That's where we were for about
23 30 minutes.
24 MS. DANCY: Okay. I think this is a

Page 30

1 logical place for to us take a little break.
2 If you would like to, we can take a break
3 here and then come back, Sidonia. How long
4 would you want to take a break for?
5 MS. MITCHELL: I think just five
6 minutes.
7 (Recess taken.)
8 BY MS. DANCY:
9 Q. Let's see. When we left off we were
10 just talking about when you had exited the field
11 and you're on the bus, correct?
12 A. No.
13 Q. We were not talking about that?
14 A. No.
15 Q. No? What do you recall our last
16 conversation was before we went on a break?
17 A. So what I was saying, that in the
18 second incident, the 30 minutes we were waiting,
19 we were waiting under canopies that they had put
20 up. That's where we waited for those 30 minutes.
21 Q. The first incident you were on the bus,
22 the second incident you were waiting outside under
23 a canopy?
24 A. Yes.

Page 31

1 Q. Okay. I apologize. Okay. And at some
2 point your daughter asked Fidensio's son if you
3 should return to the fields?
4 A. My daughter asked me and I asked
5 Fidensio's son.
6 Q. Okay. And Fidensio's son, was he
7 employed with Pioneer as well?
8 A. Yes.
9 Q. Okay. And Fidensio's son asked someone
10 at Pioneer whether or not you should return to the
11 fields?
12 A. Yes.
13 Q. Okay. When you were out -- when you
14 and your children were sitting under the canopies,
15 were all of the workers outside of the fields with
16 you under the canopies?
17 A. Yes.
18 Q. Okay. And at some point someone from
19 Pioneer said that it was okay to go back into the
20 field?
21 A. Yes.
22 Q. Okay. And what happened when you went
23 back into the field?
24 A. So my daughter asked, "Should we go

Page 32

1 back? Can we go back in the fields? It smells
2 like poison." And they said yes, so we went back
3 in the fields. And then we were in the fields and
4 then we had to leave again, and that's when my
5 daughter fell.
6 Q. Okay. When you went back into the
7 field, did the plane fly over you again?
8 A. I don't remember.
9 Q. Okay.
10 A. Can you ask me the question again?
11 Q. Sure. Did you see the plane again
12 after you first exited the field and sat under the
13 canopy?
14 A. Yes.
15 Q. And when did you see that airplane
16 again after you exited that field?
17 A. When we were sitting waiting for that
18 half an hour, the plane went over again.
19 Q. And after it went over again, was that
20 the last time that you saw the airplane?
21 A. I don't recall having seen it again.
22 Q. And you were not in the field that
23 second time that you saw the airplane fly over the
24 field, correct? You were under the canopy?

Page 33

1 A. Correct.
2 Q. Okay. So if the field smelled like
3 poison, why did you go back into the field?
4 A. That's something I don't understand.
5 Q. You don't understand my question?
6 A. No, no, no. So it's not that I don't
7 understand the question, it's that I don't
8 understand why they had us return to the fields
9 when they were telling us it smells like poison.
10 Q. Okay. So Pioneer made you return to
11 the field?
12 A. They gave us the order to go back in
13 the fields.
14 Q. Did you have an option to say no, that
15 you did not want to return to the field?
16 A. Possibly yes, but due to ignorance,
17 maybe I didn't, I didn't know that. I don't know.
18 Q. And when you say it smelled like
19 poison, can you describe what that means?
20 A. Something strong. It wasn't good. It
21 was bad for your nose. I don't know. It was a
22 strong smell.
23 Q. Okay. So when you went in -- when you
24 re-entered the field, at some point your daughter

Page 34

1 fell, is that correct?
2 A. Yes.
3 Q. Did you start to re-work? Did you work
4 at all or did she fall on her way back to her spot
5 on the field?
6 A. So we had gone back to work and we were
7 working and we were warned again that we had to
8 get out. And when we started to leave, we started
9 to run, that's when she fell.
10 Q. Okay. So she fell as she was running
11 to exit the field the second time?
12 A. Yes.
13 Q. And was your daughter injured when she
14 fell?
15 A. She just had some inflammation on her
16 foot, the lower part of her ankle. It was
17 swollen.
18 Q. And did that -- did her ankle heal?
19 A. Yes.
20 Q. Did you have your cell phone with you
21 at the time of the second incident?
22 A. Yes.
23 Q. Did you take any photographs or videos
24 of the aircraft that was involved on that

Page 35

1 particular day of the second incident?
2 A. I didn't.
3 Q. Did your son or your daughter, to the
4 best of your knowledge, take any photos or videos
5 of the aircraft that were, that was involved on
6 the second incident?
7 A. My daughter.
8 Q. Okay. After you exited the field for
9 the second time, after your daughter fell, what
10 happened after that?
11 A. So we left the field to go to the
12 busses. We heard something serious had happened.
13 The busses took us to the hotel. At the hotel,
14 they said we had to go to the hospital, that
15 somebody was in serious condition. And my biggest
16 son showed me a video, and showed a person who
17 was --
18 THE INTERPRETER: Off the record for a
19 second.
20 (A discussion was held
21 off the record.)
22 A. -- showed me a video of somebody who
23 was poisoned. It was the mother of one of our
24 co-workers.

Page 36

1 Q. Okay. When you exited the fields, did
2 you speak to any of the Pioneer employees before
3 returning back to the hotel?
4 A. No. I don't remember anything else.
5 It was an emergency and we all had to go quickly
6 to the hotel.
7 Q. Why was it an emergency?
8 A. So they had to take us -- they took us
9 because somebody or some people were poisoned and
10 they were having serious reactions and they took
11 us to the hotel. They didn't take us to the
12 hospital straight away. They took us to the
13 hotel.
14 Q. Were you having a serious reaction?
15 A. Just nausea and dizziness, but I think
16 at that moment I was more concerned about my
17 children than myself.
18 Q. And besides your daughter's ankle, was
19 she having any issues?
20 A. All right. So yes, her eyes were
21 burning, she felt burning and nausea and vomiting.
22 I wanted her to eat something then, but they
23 didn't want to eat anything. And then somebody
24 came knocking on our doors.

Page 37

1 Q. Who was knocking on your door?
2 A. I think it was the driver who drove the
3 person that was poisoned.
4 MS. MITCHELL: I'm sorry. Objection to
5 the translation. I think she said her
6 daughter had nausea and vomiting and
7 something in her eyes.
8 THE INTERPRETER: Are we off for a
9 second?
10 MS. MITCHELL: Sure, let's go off.
11 (A discussion was held
12 off the record.)
13 MS. MITCHELL: Okay. We can go back on
14 the record when we're ready.
15 MR. MADSEN: For my benefit, can you
16 translate the conversation that you and
17 Sidonia just had, on the record, please?
18 THE INTERPRETER: Basically, just
19 please try to answer in short phrases so that
20 it can be translated and give us a pause
21 between each thing because we want to make
22 sure we get all of the information on the
23 record correctly and clearly in that way.
24 MR. MADSEN: Thanks.

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1 MS. MITCHELL: We can proceed when
2 you're ready.
3 BY MS. DANCY:
4 Q. I'm going to just re-ask that and we
5 can pick it up from there so we get a full and
6 complete answer.
7 At the hotel you mentioned that someone
8 was knocking at your door. Do you recall who it
9 was who was knocking on your door?
10 A. The driver of a bus.
11 Q. And why was he coming to knock on your
12 door while were at the hotel?
13 A. Because somebody was ill.
14 Q. So the driver of the autobus wanted to
15 notify you that someone was ill?
16 A. Yes. That the person had gone to the
17 hospital and we should too.
18 Q. Okay. So the driver of the autobus
19 came and told you that you all should go to the
20 hospital?
21 A. Yes.
22 Q. Okay. Before the driver of the autobus
23 came and knocked on your door, were you planning
24 on seeking medical treatment at a hospital?

Page 39

1 A. Yes.
2 Q. When you first arrived back to the
3 hotel, did you shower?
4 A. Yes.
5 Q. Were you able to shower or clean
6 yourself in any way at the fields, at the Pioneer
7 field, before coming home?
8 A. No. It was just there to wash your
9 hands.
10 Q. Did you wash your hands or any part of
11 your body before you got on the bus and came home?
12 A. No.
13 Q. And when you rode the bus home, were
14 you sitting next to the same people that you were
15 earlier in the morning on your way to the fields?
16 A. Yes.
17 Q. Okay. So on the way home you were
18 sitting next to your children on the bus?
19 A. Yes.
20 Q. Okay. How long were you at the hotel
21 before you sought medical treatment at the
22 hospital?
23 A. I don't remember if it was 25 minutes,
24 30.

Page 40

1 Q. How did you get from the hotel to the
2 emergency room?
3 A. In my car.
4 Q. And did you drive your children with
5 you in your vehicle from the hotel to the
6 hospital?
7 A. Yes.
8 Q. Why did you not call 911?
9 A. I don't know.
10 Q. Did you change your clothes before
11 going to the hospital?
12 A. Yes.
13 Q. Okay. Now, we talked about you and
14 your daughter. What issues was your son
15 experiencing to the best that you were able to
16 recall?
17 A. Nausea, a burning feeling, headache.
18 Q. And you sought medical treatment at
19 OSF. Does that sound familiar to you?
20 A. The name of the hospital? I don't
21 remember the name of the hospital.
22 Q. It was just a one-time emergency room
23 visit and you were out the same day that you all
24 went for treatment, correct?

Page 41

1 A. Yes.
2 Q. Now, I'm going to ask you a few
3 questions about the symptoms you were
4 experiencing. Describe for me how your eyes were
5 feeling.
6 A. Burning, that's all.
7 Q. And was this burning in one eye or both
8 of your eyes?
9 A. Both.
10 Q. Did you use an eyewash station?
11 A. Where?
12 Q. At Pioneer, at the fields. Was there
13 an eyewash station for you to wash your eyes out
14 with?
15 A. Yes, but it was fast. I didn't have
16 time.
17 Q. Did the burning in your eyes resolve or
18 go away?
19 A. Yes.
20 Q. Did you require any additional medical
21 treatment for the burning in your eyes besides the
22 emergency room visit?
23 A. No.
24 Q. Okay. You also mentioned nausea,

Page 78

1 BY MS. MITCHELL:
 2 Q. So is there more you'd like to say for
 3 that explanation?
 4 THE INTERPRETER: Am I not supposed to
 5 interpret what she already said?
 6 MS. MITCHELL: Yes.
 7 BY THE WITNESS:
 8 A. You can't explain how it feels with
 9 your children. You have to bring them to work
 10 with you and not know if they're going to be okay.
 11 BY MS. MITCHELL:
 12 Q. Is there more that you were trying to
 13 say in response?
 14 A. No, that's it.
 15 Q. And to be clear, this is all referring,
 16 the past answer was referring to the event with
 17 the airplane?
 18 A. Yes.
 19 Q. You also -- this is my last question.
 20 I apologize for how difficult this is.
 21 You also said earlier that that event
 22 was, you used the word "feo," ugly. What did you
 23 mean?
 24 A. So I don't know. It's ugly to see your

Page 79

1 children in a position where you're trying to get
 2 out of an ugly situation, and that's the battle
 3 that I have.
 4 MS. MITCHELL: Pass the witness.
 5 MR. MADSEN: I have nothing further.
 6 THE COURT REPORTER: Signature,
 7 counsel?
 8 MS. MITCHELL: Yes, ma'am. We'll take
 9 a read and sign copy.
 10 THE COURT REPORTER: Counsel, copy?
 11 MR. MADSEN: No thank you, not at this
 12 time.
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1 UNITED DISTRICT COURT FOR THE CENTRAL DISTRICT
 2 OF ILLINOIS
 3 SPRINGFIELD, ILLINOIS
 4 HADA GARCIA,)
 5)
 6 Plaintiff,)
 7 vs.) 3:20-ev-3322-STEM-TSH
 8)
 9 PIONEER HI-BRED)
 10 INTERNATIONAL, CORTEVA,)
 11 INC., RAS AVIATION,)
 12 LLC, FARM AIR, INC. and)
 13 CURLESS FLYING SERVICE,)
 14 INC.,)
 15)
 16 Defendants.)
 17
 18 This is to certify that I have read the
 19 transcript of my examination under oath taken by
 20 Susan M. Sychta, CSR, CP, CM, via remote
 21 videoconference, on the 20th day of
 22 September, 2024, and that the foregoing transcript
 23 accurately states the questions asked and the
 24 answers given by me, with the changes made on the
 errata sheets, if any, attached hereto.
 No corrections (Please initial): _____
 Number of errata sheets submitted: _____

 HADA GARCIA
 SUBSCRIBED and SWORN to
 before me this day of
 , 2024.
 Notary Public

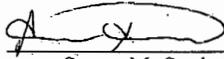
Page 81

1 STATE OF ILLINOIS)
 2) SS:
 3 COUNTY OF COOK)
 4
 5 I, Susan M. Sychta, CSR, CP, CM, and a
 6 Certified Shorthand Reporter of said state, do
 7 hereby certify that heretofore, to-wit, on the
 8 19th day of September, 2024, HADA GARCIA appeared
 9 before me via remote videoconference, with all
 10 parties present by videoconference, in re: HADA
 11 GARCIA versus PIONEER HI-BRED INTERNATIONAL, ETAL.
 12 I further certify that the said witness
 13 was first duly sworn to testify to the truth, the
 14 whole truth and nothing but the truth in the cause
 15 aforesaid via remote videoconference with all
 16 parties agreeing to such; that the testimony then
 17 given by said witness was reported
 18 stenographically by me, in the presence of said
 19 witness via remote videoconference, and afterwards
 20 reduced to typewriting by computer-aided
 21 transcription, and the foregoing is a true and
 22 correct transcript of the testimony so given by
 23 said witness as aforesaid.
 24 I further certify that the signature of
 the witness to the foregoing examination under



1 oath was not waived by agreement of counsel for
2 the respective parties; and that I am not counsel
3 for nor in any way related to any of the parties
4 to this suit nor am I in any way interested in the
5 outcome thereof.

6 This transcript is electronically
7 verified and signed this 6th day of October, A.D.
8 2024.

9
10  
Susan M. Sychta

Illinois CSR License Number 084-001178

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UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

HADA GARCIA,
Plaintiff,

vs.

No. 3:20-cv-3322-STEM-TSH

PIONEER HI-BRED INTERNATIONAL,
INC., CORTEVA, INC., RAS AVIATION,
LLC, FARM AIR, INC., and CURLESS
FLYING SERVICE, INC.,

Defendants.

The discovery deposition of
DAVID OMAR CARREON, JR., taken in the above-entitled
case on behalf of the defendants, on the 26th day of
September, 2024, at 10:00 o'clock a.m. remotely via Zoom
teleconferencing, pursuant to agreement of counsel.

Stenographically reported by:

Karyn H. Chalem, RPR, CSR

License No.: 084-004167

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1 airplane, like a pesticide or a spray?

2 A. Yes.

3 Q. Is it your testimony that the airplane was
4 spraying while it was near or around you?

5 A. The -- I believe the plane sprayed while it
6 was over us. It was more of a felt than a smell.

7 Q. More of a what?

8 A. Felt. Or I felt, like, a mist, like kind of
9 like wet, and then smells like chemicals.

10 Q. Was there any color to the spray or the mist
11 that you felt?

12 A. I couldn't tell you. Can't really tell
13 mist's color too much.

14 Q. Why is that?

15 A. It's little water particles.

16 Q. How do you know that it's -- did you say
17 slow?

18 A. No. It's a little water particles so I
19 couldn't -- you can't really tell the color from
20 that. Well, I couldn't.

21 Q. I mean, did it look like water to you?

22 A. Yes.

23 Q. And what was the odor? Describe that.

24 A. I don't know how would you describe it. I

1 your -- was it your stepfather?

2 A. With my dad?

3 Q. With your dad, yep.

4 A. With my stepdad? Just kept a distance from
5 it. It was, like, a little, like, water, like kind
6 of like a gun, so you just spray all over the house,
7 just stay away from it for, like, a couple hours.

8 Q. Why would you stay away from it for a couple
9 of hours?

10 A. Because it's pesticide. It will be harmful
11 for us, so it's not something you want to be close
12 to.

13 Q. Did you wear any protective gear while you
14 were doing this around the house?

15 A. Gloves, sunglasses. That's probably it like.

16 Q. And you testified you did this about once a
17 month. For how long did you do that? Like over
18 the summer, over a whole season, years?

19 A. Pretty frequently. I guess, yeah, once a
20 month, give or take.

21 Q. Back to the airplane on August 5th. You
22 testified that it flew in your proximity. Did it
23 fly directly over your head?

24 A. Yes.

1 Q. And how do you know it was directly over
2 your head as opposed to somewhere else, but just
3 looked like it was over your head?

4 MR. SCOTT: Objection to form.

5 THE WITNESS: Saw it above me.

6 BY MR. RAVICH:

7 Q. Could you read any letters or numbers on the
8 airplane?

9 A. No.

10 Q. Describe what the airplane was doing in
11 terms of where it was going. As it flew over your
12 head, where was it going, in terms of like over
13 your field, to a different field?

14 A. I just saw it stay -- go in circles in our
15 field.

16 Q. It went in circles on your field, is that
17 your testimony?

18 A. Saw -- I saw the plane twice and it just did,
19 like, a circle, best I could remember.

20 Q. All right. And I think you've described the
21 first time that it passed. This is when there was
22 a spray that felt like a mist, correct?

23 A. No. So the first time we saw it, that's when
24 we were almost getting out to -- towards the other

1 pesticide that was sprayed from the airplane?

2 MR. SCOTT: Objection to form.

3 THE WITNESS: My eyes --

4 BY MR. RAVICH:

5 Q. You could answer.

6 A. My eyes were burning. I felt a little itchy.
7 Headache, I remember. I threw up when I got back to
8 the hotel.

9 Q. Had you at any point had the -- in your
10 career working for Pioneer in the summer, had you
11 ever had those symptoms?

12 A. Something similar to back in, I think -- I
13 believe it was the case with the helicopter.

14 Q. Which I think was July, which different
15 counsel will talk to you about.

16 Other than --

17 A. Yeah, July 23rd, I believe.

18 Q. Okay. Any other times had you experienced
19 these symptoms?

20 A. No, not like that.

21 Q. When you say "not like that," do you mean,
22 like, the intensity or the severity of it or the
23 magnitude?

24 A. Yeah, the severity.

1 want to get them --

2 Q. Say that again. You had what in the
3 apartment?

4 A. We had my little siblings in the apartment,
5 so we didn't want to get them in contact with the --
6 with the clothes. We put it in a plastic bag.
7 After I threw up in the restroom, we all took
8 showers, and then we went back to the -- and then my
9 mom decided we should go to a hospital after that.

10 Q. You mentioned plastic bags. Where did you
11 get those from?

12 A. They were in the apartment.

13 Q. In the apartment, in the room, who else was
14 living with you at that time?

15 A. My younger siblings. We're seven siblings in
16 total, so we had the middle -- the middle one was
17 staying there, my three younger ones, my brother.
18 Well, my sister and my mom and me.

19 Q. Is this apartment where other workers on
20 August 5th also were residing?

21 A. Yeah. More people stayed at that hotel,
22 right.

23 Q. So in other words, we're talking about an
24 apartment, but was it a hotel actually that you

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CERTIFICATE

OF

CERTIFIED SHORTHAND REPORTER

I, KARYN H. CHALEM, a Certified Shorthand Reporter of the State of Illinois, CSR License No. 084-004167, do hereby certify:

That previous to the commencement of the examination of the aforesaid witness, the witness was remotely duly sworn by me to testify the whole truth concerning the matters herein;

That the foregoing deposition transcript was stenographically reported by me and was thereafter reduced to typewriting under my personal direction and constitutes a true and accurate record of the testimony given and the proceedings had at the aforesaid deposition;

That the said deposition was taken before me at the time and place specified;

That I am not a relative or employee or attorney or counsel for any of the parties herein, nor a relative or employee of such attorney or counsel for any of the parties hereto, nor am I interested directly or



CURLESS002282

1 indirectly in the outcome of this action.

2 IN WITNESS WHEREOF, I do hereunto set my
3 hand at Chicago, Illinois, this 8th day of October,
4 2024.

5

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Karyn Chalem

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KARYN CHALEM, CSR, RPR

CSR No: 084-004167

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ILLINOIS SPRINGFIELD DIVISION

HADA GARCIA,)	
Plaintiff,)	
vs.)	
PIONEER HI-BRED	)	3:20-cv-3322-STEM-
INTERNATIONAL, INC.,	)	TSH
CORTEVA, INC., RAS)	
AVIATION, LLC, FARM AIR,)	
INC., and CURLESS FLYING)	
SERVICE, INC.,)	
Defendants.)	
)	

The discovery deposition of ADRIAN PEREZ, taken in the above-entitled cause, before Dina M. Crivellone, a notary public of Cook County, Illinois, on July 25, 2024 at the hour of 9:12 a.m., via Zoom Videoconference, pursuant to notice.

Dina M. Crivellone
License No.: 084-004157



CURLESS001504

1 A. Can you repeat that? .

2 Q. What did you do once you were back at the
3 hotel?

4 A. Well, I started to get sick, so I couldn't
5 do much. And I was trying to breathe, so I 10:35:06
6 was -- they sat me down.

7 Q. Who's they?

8 A. Co-workers.

9 Q. And you said that an ambulance was called?

10 A. Yes. 10:35:17

11 Q. And take me through that. What happened?

12 A. So originally we were told -- we were
13 instructed to wait for an ambulance provided by
14 Pan Air (phonetic) but it wasn't there, so we just
15 called the local ambulance, I think. 10:35:33

16 Q. Did you call the ambulance or someone
17 called on your behalf?

18 A. Someone called on my behalf. I couldn't
19 talk.

20 Q. And so, again, looking at this photo, 10:35:47
21 P-133, do you know why something is on your finger
22 or who put it there?

23 A. I don't recall. But I'm pretty sure
24 that's because the ambulance put it there or the

1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF C O O K)

4 I, Dina M. Crivellone, a notary public
5 within and for the County of Cook County and State
6 of Illinois, do hereby certify that heretofore,
7 to-wit, on July 25, 2024, personally appeared
8 before me via Zoom videoconferencing, ADRIAN PEREZ,
9 in a cause now pending and undetermined in the
10 Circuit Court of Cook County, Illinois, wherein
11 HADA GARCIA is the Plaintiff, and PIONEER HI-BRED
12 INTERNATIONAL, INC., et al., are the Defendants.

13 I further certify that the said ADRIAN
14 PEREZ was first duly sworn to testify the truth,
15 the whole truth and nothing but the truth in the
16 cause aforesaid; that the testimony then given by
17 said witness was reported stenographically by me in
18 the presence of the said witness, and afterwards
19 reduced to typewriting by Computer-Aided
20 Transcription, and the foregoing is a true and
21 correct transcript of the testimony so given by
22 said witness as aforesaid.

23 I further certify that the signature to
24 the foregoing deposition was waived by counsel for

1 the respective parties.

2 I further certify that the taking of this
3 deposition was pursuant to notice and that there
4 were present at the deposition the attorneys
5 hereinbefore mentioned.

6 I further certify that I am not counsel
7 for nor in any way related to the parties to this
8 suit, nor am I in any way interested in the outcome
9 thereof.

10 IN TESTIMONY WHEREOF: I have hereunto set
11 my hand and affixed my notarial seal this 7th day
12 of September, 2024.

13

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Dina M. Crivellone

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NOTARY PUBLIC, COOK COUNTY, ILLINOIS

20

LIC. NO. 084-004157

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

HADA GARCIA,

Plaintiff,

Case No.

-vs-

3:20-cv-3322-STEM-TSH

PIONEER HI-BRED INTERNATIONAL,
INC., CORTEVA, INC., RAS
AVIATION, LLC, FARM AIR,
INC., and CURLESS FLYING
SERVICE, INC.,

Defendants.

Deposition of ANAHI PEREZ, taken at the instance of the Defendants, pursuant to the Federal Rules of Civil Procedure, pursuant to notice, before Debbie A. Harnen, Registered Professional Reporter and Notary Public in and for the State of Wisconsin, VIA ZOOM VIDEOCONFERENCE, on August 29, 2024, commencing at 10:04 a.m. and concluding at 12:12 p.m.

Reported by: Debbie A. Harnen, RPR



CURLESS001818

1 A Oh, he's doing good.

2 Q That's okay. And your lawyer is going to be
3 limited in answering questions for you. So you'll
4 have to direct it at me. No worries.

5 A Oh, okay.

6 Q Just say, I'm sorry, I didn't understand.

7 I want to know how he's doing now
8 currently, and your answer was what?

9 A He's good. He's doing good.

10 Q You also, though, I think, were starting to say
11 that he wasn't doing well at a certain point.
12 What does that mean or what do you want to say
13 about that?

14 A Well, when everything happen, like, in that
15 moment, he was the one that was the worst, you
16 know; unresponsive, just didn't know what was
17 going on.

18 Q Did you say unresponsive?

19 A Yes.

20 Q Unresponsive to what?

21 A I mean he couldn't talk. He was, like, you
22 know -- he was sick. We were there trying to get
23 him to say something, and his eyes were rolling
24 back. That means unresponsive.

25 Q And the things you're describing are unresponsive

1 MR. RAVICH: Okay. I'll do my best.

2 BY MR. RAVICH:

3 Q Do you think there was a time where you remember
4 the events of August 5th, 2019, better than you do
5 today?

6 MS. O'CONNOR: Objection. Form.

7 BY THE WITNESS:

8 A I'm sorry. Can you repeat that again?

9 BY MR. RAVICH:

10 Q Sure. Do you think your memory of the events of
11 August 5th, 2019, were ever stronger than your
12 recollection today?

13 A No.

14 Q Your memory is as good today about the events as
15 they were in 2019?

16 A I would say yeah. It's like about the same, you
17 know. It's just -- yeah. I'm sorry.

18 Q That's a fine answer.

19 When you were working in the field
20 on August 5th, 2019, for how long were you
21 working in the field before you heard or saw an
22 airplane?

23 A I would say a couple hours. I'm like trying
24 really hard to remember.

25 Q I know.

1 A I know it was daylight. So I can't say it was,
2 like, in the morning morning because when we would
3 work in the morning morning, it was still a little
4 bit dark. So I would just say like about -- like
5 four or five hours.

6 Q Over the course of that four or five hours, were
7 you always in the same place on the field?

8 A I don't remember that day because I do know that
9 sometimes we'll change fields, like different
10 sections or whatever. But that day, I don't
11 remember if I changed any -- like into a different
12 field.

13 Q All right. Is it your testimony that you were
14 working in the field at a location somewhat close
15 to the buses?

16 A Yes.

17 Q And was that true throughout the day for you on
18 August 5th, 2019?

19 A Well, the day -- I don't know if -- like I said, I
20 don't remember. I don't know if I changed into a
21 different field or the buses moved.

22 But once I was told to get out of
23 the field when we were walking to the buses, I do
24 remember it was kind of a little distance.

25 Q Okay. You mentioned an airplane. When is it that

1 you first became aware of an airplane flying
2 nearby or overhead?

3 A So I already had finished my row, and I was
4 heading out to wait for my mom because she was
5 like right behind me; and that's when I see some
6 workers from Pioneer coming closer to me, but they
7 were like, yelling to get further from the field.

8 Like I said, there were a little
9 bit distance so I didn't understand what they were
10 saying. But one of them just pointed up, and
11 that's when I saw the plane where we were at, like
12 the same section of field. And they had told me,
13 like, not to go back in because they were, like,
14 telling me to like get farther from the field.
15 But our mom was in there, so I just started
16 calling her name until she came out.

17 Q Where were you at that point?

18 A I was out -- out of the field. I was just like
19 not in the field, but I was, like, next to it.

20 Q Were you by the buses?

21 A No. I was not by the buses.

22 Q Describe your surroundings. Were there crops
23 around you? Was it a flat area? A sidewalk?
24 Things like that.

25 MS. O'CONNOR: Objection. Form.

1 MR. RAVICH: Sure.

2 MS. O'CONNOR: Thank you.

3 (Recess taken from 11:16 a.m.

4 until 11:26 a.m.)

5 BY MR. RAVICH:

6 Q Anahi, you were talking about your view of the
7 airplane. I want to confirm. Did you see
8 anything spraying or emitting from the airplane?

9 A I did not.

10 Q You saw the airplane fly over the field; is that
11 correct?

12 A Yes.

13 Q How many times did you observe the airplane to do
14 that?

15 A I saw it like twice. I'm pretty sure it was still
16 there, but I mean, I don't really pay attention to
17 the airplane. But when I was working, I did see
18 it, but I didn't really think nothing of it.

19 And then the second time I actually
20 pay attention was when I got off the field, and
21 the Pioneer people were like pointing at it; and
22 then when they point at it, I mean, I connected
23 the dots. I mean, they didn't want me in the
24 field. They wanted me further. So I just
25 connected the dots that they were spraying

1 something.

2 Q Were you sprayed by anything coming from the
3 airplane?

4 A I'm not sure, but before I was out of the field, I
5 was feeling like stuff on my hat, like drips.

6 I mean, obviously it wasn't rain
7 because I didn't see rain. It wasn't hard enough
8 for it to be rain, but I did feel stuff, I mean,
9 on my hat.

10 Q When you felt things falling on your -- you said
11 head or hat?

12 A Hat. I was wearing a hat.

13 Q When you felt things falling on your hat, did you
14 hear or see the airplane at that point?

15 A I was hearing the airplane, but like I said, I
16 wasn't really paying attention to it. I wasn't,
17 like, looking to see if it was beneath -- I mean,
18 like, above me, but I did know the airplane was
19 there.

20 Q Did you smell anything?

21 A I would say -- I mean, in the field it was always
22 smelling like that, but that day it was, like, a
23 weird smell. It was just a little bit stronger,
24 but I didn't really think nothing of it.

25 Q What do you mean the -- excuse me.

1 On the bus and off the bus -- when
2 we went off the bus, it was just a quick moment.
3 I don't know where those people came from. They
4 were people that worked with us, but it's just --
5 I just remembered, like, there was so many people
6 around Adrian.

7 Once we got off the bus, that's
8 when he was worst if I would say. He was like --
9 you know, like not talking, his eyes was rolling
10 back. We were just sitting on the sidewalk. And
11 that's when I remember, just like yelling, like
12 oh, like just trying to get stuff for him to, you
13 know, get better.

14 I remember my little brother was
15 talking on the phone with the ambulance to, like,
16 get there quick. It was just, like, so chaotic,
17 like, so many things happening at once.

18 Q You were describing your brother. What else was
19 chaotic?

20 A The people, like my sister went upstairs like all
21 the way to the hotel to get milk. Other people
22 were getting other stuff, like water. You know,
23 just stuff for him to be responsive, like to talk
24 to us.

25 My brother was yelling to the

1 A Yes.

2 Q Was there any other panic or chaos that you saw?

3 A No. It was just of my brother. It was just,
4 like, everybody was attention to him.

5 Q You also went to the hospital, though, right?

6 A Yes.

7 Q You went to Heart of Mary Medical Center?

8 A Yes.

9 Q I'm looking at a medical record that you provided
10 to us through your lawyer, and some of the medical
11 records state here that patient had on protective
12 layer. Is that accurate that you were wearing a
13 protective layer on August 5th?

14 A Yes.

15 MS. O'CONNOR: Objection. Tim, can you
16 tell us the Bates number of the document that
17 you're looking at.

18 MR. RAVICH: Sure. P713.

19 MS. O'CONNOR: Okay.

20 MR. RAVICH: It's just below the middle.

21 BY MR. RAVICH:

22 Q The entry here also says, glasses were in place,
23 hat was on and long sleeves were on. Does that
24 sound accurate to you?

25 A Yes.

1 name.

2 Q Do you know a first name or how to spell that
3 name?

4 A I don't know how to spell it.

5 It's Riccone in Spanish. It sounds
6 a little bit in English.

7 Q Since seeing a doctor two years ago, who
8 prescribed medicine that you have not taken, have
9 you seen any other doctors for anxiety?

10 A No.

11 Q Why not?

12 A Because I know that they're gonna prescribe me
13 some pills, and I don't really like taking pills
14 especially if they leave with side effects.

15 Q Why are you suing in this lawsuit?

16 A I'm sorry. Why?

17 Q Yes.

18 A Because we were sprayed with pesticides, and I
19 mean, I almost lost my brother because of that
20 reason; and my mom almost lost a son, you know.

21 It's just like not something like
22 we're gonna just, like, forget and not do anything
23 about it.

24 Q Okay. What do you mean you almost lost your
25 brother?

1 A I mean, he was unresponsive. For me, I feel like
2 if someone can't answer you, that means they're
3 like, close to like, you know, like die or have,
4 like, brain issue something. I don't really know
5 anything about, you know, medical or stuff, you
6 know.

7 But he was unresponsive, and his
8 eyes was rolling back. So I just assume in that
9 moment that I was gonna, like, lose him or
10 something.

11 Q What is it that you want my client to do about
12 that?

13 A Just admit that they actually did spray
14 pesticides, that they actually did do something,
15 and not, like, just deny and, like, oh, no, you
16 got sick on your own.

17 Q If you saw evidence showing that my client did
18 not, in fact, spray any chemicals or pesticides
19 over the field, would you believe it?

20 MS. O'CONNOR: Objection. Form.

21 BY THE WITNESS:

22 A I mean, evidence, I will believe it. Like I said,
23 evidence, but I haven't seen any evidence.

24 I did see a plane above the field,
25 you know. Like I said, that's what planes do,

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

HADA GARCIA,)	
)	
Plaintiff,)	
)	
vs.	)	Case No.
	)	3:20-cv-3322-
PIONEER HI-BRED	)	STEM-TSH
INTERNATIONAL, INC.,)	
CORTEVA, INC., RAS)	
AVIATION, LLC, FARM AIR,)	
INC., and CURLESS FLYING)	
SERVICE, INC.)	
)	
Defendants.)	

THE DISCOVERY DEPOSITION VIA ZOOM OF
CONSUELO PEREZ
August 30, 2024
9:00 A.M.

Called as a witness by the
Defendants herein, pursuant to the
provisions of the Federal Rules of Civil
Procedure pertaining to the taking of
depositions for the purpose of discovery,
before GLORIA APOSTOLOS SIOLIDIS, C.S.R.
License #084-001205, duly qualified and
commissioned for the State of Illinois.



CURLESS002111

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1 really tell you, but if I looked to the
2 sky, I would say that it was taller, as
3 tall as a very tall tree.
4 MS. O'CONNOR: Jenny, before you get
5 into any line of questioning, I just want
6 to flag that we're going to need a break in
7 the next 10 or 15 minutes or so.
8 MS. DANCY: All right. That sounds
9 good. Thank you for letting me know.
10 BY MS. DANCY:
11 Q Did the airplane fly directly over
12 where you were standing in the field?
13 A Yes.
14 Q And how many times did the airplane
15 fly over where you were standing in the
16 field?
17 A So it wasn't flying like directly over
18 me, my head; however, it was flying around
19 my area and then went and then turned
20 around again.
21 Q Okay. So the airplane did not fly
22 directly over where you were working in the
23 field?
24 MS. O'CONNOR: Objection, form.

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1 on the other side of the plant, so I do
2 know that they were also exiting.
3 Q Did you see anything being released
4 from the airplane?
5 A So I don't recall looking at that;
6 however, I do know that when my daughter
7 called me to leave fast because the plane
8 was spraying the labor fields.
9 Q So you personally did not see the
10 airplane spray the fields, correct?
11 A So I don't recall looking at anything,
12 but the spray goes in the wind. It's
13 something that's in the wind. You would
14 not be able to see it. All I know is that
15 I was told to leave fast because the spray
16 was in the wind.
17 Q Okay. And that was something that
18 your daughter Anahi had told you?
19 A That was what they had told her to
20 say. That's what they had told her.
21 Q And when you're referring to they,
22 were you referring to someone at Pioneer?
23 A Yes.
24 Q Did your clothing get wet at any point

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1 THE WITNESS: So I don't know how to
2 explain this.
3 It didn't fly exactly over me as
4 in like a straight line pointing at me. I
5 don't know how to explain that the labor
6 field, it went around the labor field which
7 is all of it.
8 BY MS. DANCY:
9 Q Okay. When you first -- let me
10 rephrase this.
11 You continued to work when you
12 first saw the airplane, correct?
13 A Yes.
14 Q At what point did you exit the field?
15 A When my daughter Anahi called me.
16 Q And how much time had passed from when
17 you first saw the airplane to when your
18 daughter called you?
19 A I don't recall exactly, but it was
20 quite fast.
21 Q Were there other workers near you as
22 well who were exiting the field?
23 A So like I told you, I didn't see them
24 because the plant was tall, but Anahi was

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1 on August 5th of 2019?
2 A I don't recall. You don't feel it. I
3 didn't feel it.
4 Q How do you know that you were sprayed
5 on August 5th of 2019?
6 A Due to the reaction I had, my
7 breathing had never stopped, and my face
8 and my neck had never become irritated or
9 inflamed.
10 Q You had your cell phone with you
11 because you were talking to your daughter,
12 correct?
13 A Yes.
14 Q Did you take any photographs or videos
15 of the aircraft on August 5th of 2019?
16 A No.
17 Q Are you aware if either of your
18 children had taken any videos or
19 photographs from August 5th of 2019?
20 A I am quite sure that they did not,
21 because we were working.
22 MS. DANCY: We can take a break. I
23 think this is a great point to take a
24 break.

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1 MS. O'CONNOR: Okay. About ten
2 minutes okay?
3 MS. DANCY: Yes, that's fine.
4 MS. O'CONNOR: Okay, thank you.
5 (There was a break taken, after
6 which the deposition was resumed
7 as follows:)
8 MS. DANCY: Picking back up following
9 any brief break.
10 BY MS. DANCY:
11 Q What happened when you left the field?
12 A So when we were on our way home, or
13 when I left the field itself?
14 Q When you left the field itself.
15 A So when I walked out of my row where
16 I was working, walking towards the bus and
17 were told to go to the bus, that's when I
18 stopped breathing and I felt unwell.
19 Q Okay. Now, what happened when you
20 stopped breathing?
21 A So at the moment that I stopped
22 breathing, my daughter realized it and she
23 became very disturbed and started
24 screaming, asking for help. And that's

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1 the company as well.
2 Q And was your son with you at that time
3 also?
4 A At that moment when that was
5 happening, no.
6 Q Where was your son at that time?
7 A He was still inside the work fields.
8 Q So after you got some water, what
9 happened next?
10 A So then I felt better quite after
11 that. It was just that my breathing
12 stopped quickly, but then also I recovered.
13 I was able to recover quickly.
14 Q And did you talk to any of the Pioneer
15 employees at that specific time after you
16 exited the field?
17 A Yes, I think so.
18 Q Do you remember specifically who you
19 spoke with at that time?
20 A I think it was the wife of
21 Mr. Fidencio who approached me to ask me
22 how I was feeling.
23 Q And did you talk to anybody else from
24 Pioneer?

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1 when other people arrived and they poured
2 water on me or threw water on me.
3 Q Did you lose consciousness?
4 A No.
5 Q Did anyone have to do CPR on you?
6 A No.
7 Q Did you sit down somewhere?
8 A Yes.
9 Q How do you know you stopped breathing?
10 A Because I felt that I stopped
11 breathing. I felt my throat close. I felt
12 that that was happening in me.
13 Q Okay. And who was nearest to you at
14 that time?
15 A My daughter, Anahi.
16 Q And did anyone call emergency services
17 or 911?
18 A No.
19 Q So was it your daughter who put water
20 over you or over your face?
21 A No. She was only holding me up.
22 Q So it was other workers who were
23 helping you as well?
24 A Yes. Also including personnel from

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1 A I don't remember.
2 Q And what did you say to Mr. Fidencio's
3 wife?
4 A So when she came toward me and she
5 asked me was I better, I said, "Yes, I feel
6 better." But the thing is, when it
7 happened, I couldn't swallow. My throat
8 was closed.
9 Q And your daughter was also with you
10 when you were speaking to Mr. Fidencio's
11 wife?
12 A I think so.
13 Q And was your daughter, was she
14 experiencing any issues, or was she okay?
15 A So from what I remember, yes. Her
16 skin seemed irritated, but that was --
17 that's what I saw, nothing else.
18 Q Okay. And you saw her skin was
19 irritated while you were still at the field
20 on August 5th of 2019?
21 A So yes.
22 When I walked out of the field
23 and I saw her, she was quite red and her
24 skin was irritated, but I don't know, it

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1 A So my daughter and son came out. He
2 was unwell, but he too was being washed
3 down, and that he was not feeling well.
4 But all I wanted to know, whether he was
5 alive, was he breathing, was he talking?
6 And they said yes, and so I felt better
7 about that.
8 Q When you say he felt unwell, what does
9 that mean?
10 A So I asked my daughter, that's what I
11 asked my daughter, "What do you mean that
12 he's unwell, that he's not feeling well?"
13 She said, "All I know is that he's not
14 well. He's being detained by two other
15 persons. They are aiding him. But he is
16 talking."
17 Q And when was the first time that you
18 saw your son after he exited the field?
19 A When he went into the bus, that's when
20 I saw him.
21 Q So you all rode the bus back to the
22 hotel together after exiting the field?
23 A Yes.
24 Q Okay. And did you sit with your

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1 ambulance?
2 A Yes.
3 Q And what about your daughter, did she
4 go with you and your son by ambulance?
5 A No.
6 Q And in terms of your condition at this
7 time, were you experiencing any issues?
8 A I was only quite agitated regarding
9 looking at my son having trouble breathing.
10 Q So the issues you were experiencing
11 were more of that concern for your son?
12 MS. O'CONNOR: Objection, form.
13 THE WITNESS: That is correct.
14 BY MS. DANCY:
15 Q You were evaluated at the hospital,
16 correct?
17 A Yes.
18 Q And that's OSF? Does that sound
19 familiar?
20 THE INTERPRETER: OSF? Do you mean,
21 is that a hospital?
22 MS. DANCY: Yes.
23 THE INTERPRETER: I just want to
24 pronounce it correctly.

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1 children on the bus back to the hotel on
2 August 5th of 2019?
3 A Yes.
4 Q And what did you do when you first
5 got back to your hotel on August 5th of
6 2019?
7 A So during the ride back to the hotel,
8 that's when I was able to see that my son
9 was not feeling well, and I was able to see
10 that he was breathing not well. And he was
11 also making gagging noises. I asked him if
12 he needed to throw up, because he was going
13 ugh, ugh, noises like gagging, like he
14 would have to throw up. And then we got to
15 the hotel.
16 Q What happened when you first got back
17 to the hotel?
18 A So we got to the hotel. My son was
19 still feeling unwell, so someone called the
20 ambulance.
21 Q And your son was transported to the
22 hospital by ambulance?
23 A Yes.
24 Q And did you go with him in the

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1 THE WITNESS: No, I don't remember.
2 It was another name.
3 BY MS. DANCY:
4 Q Okay. You were evaluated and
5 discharged the same day, correct?
6 A Yes.
7 Q And when you first went to the
8 hospital, what issues were you experiencing
9 that necessitated your medical treatment?
10 MS. O'CONNOR: Objection, form.
11 THE WITNESS: When I arrived at the
12 hospital, it was only that my skin was
13 irritated, my neck and my face.
14 BY MS. DANCY:
15 Q Okay. Do you have asthma?
16 A I do have asthma since a child, but
17 I've always had it well controlled.
18 Q And how do you control your asthma?
19 A I use an inhaler when I need it.
20 Q Did you have your inhaler with you in
21 Illinois in 2019?
22 A Yes.
23 Q In 2019, when was your last asthma
24 attack?

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1 questions.
 2 MS. O'CONNOR: Okay. Could you give
 3 us two minutes?
 4 MS. DANCY: Yes.
 5 MS. O'CONNOR: Thank you.
 6 (There was a break taken, after
 7 which the deposition was resumed
 8 as follows:)
 9 MS. O'CONNOR: We have no questions to
 10 ask. So we are okay with ending here.
 11 MS. DANCY: Okay.
 12 MS. O'CONNOR: Thank you all.
 13 MS. DANCY: I'll order a copy.
 14 MS. O'CONNOR: We'd like to read and
 15 sign, but we're not going to order a copy
 16 at this time. So we've done it in the
 17 past, so that we can make sure if we need
 18 to submit any errata, but we won't keep a
 19 copy.
 20
 21
 22 AND FURTHER DEPONENT SAITH NOT
 23
 24

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1 STATE OF ILLINOIS)
) SS
 2 COUNTY OF DU PAGE)
 3 I, GLORIA APOSTOLOS SIOLIDIS, C.S.R.,
 4 in and for the State of Illinois do hereby
 5 certify that CONSUELO PEREZ was first duly
 6 sworn by me to testify the truth; that the
 7 above deposition was recorded in shorthand
 8 and reduced to typewriting by me; that the
 9 deposition is a true, correct and complete
 10 transcript of the entire testimony given by
 11 the said witness at the time and place
 12 hereinabove set forth, and that signature
 13 is hereby reserved by said witness.
 14 I further certify that I am not
 15 counsel for, nor in any way related to any
 16 of the parties to this suit, nor am I in
 17 any way interested in the outcome thereof.
 18 In witness hereof, I have hereunto set
 19 my hand and affixed my Notarial Seal this
 20 9th day of September, A.D., 2024.
 21
 22
 23 GLORIA APOSTOLOS SIOLIDIS
 CSR License #084-0001205
 24

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1 SIGNATURE PAGE/ERRATA SHEET
 2
 3 I, CONSUELO PEREZ have read the
 4 foregoing transcript of my deposition taken
 5 on August 30th 2024, and except for any
 6 corrections noted below, it is a true and
 7 correct transcript of my deposition given
 8 on the date aforesaid.
 9 CORRECTIONS BASED ON ERRORS IN
 10 REPORTING OR TRANSCRIPTION
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 12 PAGE LINE
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