

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DU PAGE COUNTY, ILLINOIS

SYNGENTA SEEDS, INC.,

Plaintiff,

v.

WAGNER GREENHOUSES, INC.,

Defendants.

No. 06 L 001005

PROOF OF SERVICE OF DISCOVERY DOCUMENTS

To: Steven C. Wolf and Mary C. Da Vanti - The Law Offices of Wolf & Wolfe, Ltd.,
25 E. Washington Street, Suite 700, Chicago IL 60602

The undersigned, under penalties as provided by law pursuant to 735 ILCS 5/1-109, states that
on January 19, 2007, the following discovery documents were served by mailing a copy to each person
to whom directed:

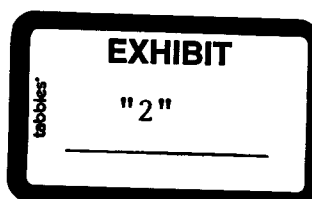
SYNGENTA SEEDS, INC.'S FIRST SET OF INTERROGATORIES TO WAGNER GREENHOUSES, INC.

SYNGENTA SEEDS, INC.'S FIRST SET OF REQUEST FOR THE PRODUCTION OF
DOCUMENTS TO WAGNER GREENHOUSES, INC.

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SYNGENTA SEEDS, INC.,)	
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)	
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SYNGENTA SEEDS, INC.'S FIRST SET OF INTERROGATORIES
TO WAGNER GREENHOUSES, INC.

NOW COMES the Plaintiff, SYNGENTA SEEDS, INC., by and through its attorneys, CASSIDAY SCHADE, LLP and DORSEY & WHITNEY, LLP, and propounds the following interrogatories to Defendant, WAGNER GREENHOUSES, INC. to be answered within the next twenty-eight (28) days:

Definitions and Instructions

1. You," "Your," or "Defendant" means Defendant Wagner Greenhouses, Inc. and any of its representatives.
2. Syngenta means defendant Syngenta Seeds, Inc., its S&G Flowers division, and representatives of Syngenta Seeds, Inc. and S&G Flowers.
3. Representatives" refers to any agents, brokers, attorneys, accountants, employees, officers, directors, investigators, consultants, or Persons acting on behalf of another, whether past or present.
4. Person" means natural persons, corporations, partnerships, governments (or agencies thereof), quasi-public entities, proprietorships, joint ventures, trusts, estates, and all other forms of legal entities.
5. The words "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring information within the scope of the interrogatory.

6. Whenever appropriate in this set of interrogatories, the singular form of a word shall also be interpreted as plural, and the plural form of a word shall also be interpreted as singular.

7. "Date" means the exact day, month and year if ascertainable; if not, the closest approximation that can be made thereto by means of relationship to other persons, events, locations, or matters.

8. These interrogatories seek information for the period January 1, 2005 through the present, unless otherwise specified.

9. "Describe," "explain," or "state" when used in reference to a factual situation means to state with particularity all facts known to you, connected with, bearing upon, or relating to matters contained in these interrogatories.

10. "Identify" when used in reference to a natural person means to state on the first occasion that such person is identified:

- a. The person's full name and job title;
- b. The person's present or last known address;
- c. The person's present or last known employment or business affiliation; and,
- d. The person's business and home telephone numbers.

11. "Identify" means, with respect to any entity other than a natural person, to set forth the full name or title of the entity, the organizational structure (e.g., partnership, corporation, etc.), and, on the first occasion that such entity is identified, state the address and principal business or activity of such entity.

12. "Identify," when used with reference to a document or other tangible item, means (regardless of whether any claim of privilege is asserted) to state the following information:

- a. Its character or nature (e.g., letter, memorandum, report, etc.);
- b. The date it bears or, if undated, the date it was written or created;
- c. The identity the person(s) who wrote or created it;
- d. The identity of the person(s) who received it;
- e. Its file number or other identifying mark or code;
- f. Its general subject matter and a summary of its contents; and
- g. Its present or last known location or custodian.

13. "Identify" means, with respect to an oral communication or other event, to set forth the following information:

- a. its substance;
- b. the date it occurred and the time;
- c. the place it occurred and, if different (as with a telephone communication), the place it was received;

- d. for a communication, the identity of each originator and recipient, and for an event, the identity of each participant; and
- e. the identities of all persons present when the communication or event occurred.

14. If any information, communication or document responsive to any of the following Interrogatories is withheld based on any claim of privilege, describe generally the substance or subject matter of the information, communication, or document withheld, state the privilege being relied upon or claimed and the basis therefore, and identify all persons or entities who have had access to such information, communication or document.

Interrogatories

1. Please identify each person who participated in answering or provided information used to answer these Interrogatories, and identify the specific answers to which they contributed.

2. Please identify all persons who you believe may have information or documents related to the claims or defenses of either party.

3. You have admitted in Paragraph 8 of your Counterclaims that in the late Summer/Fall of 2005 some of the plugs and plants you delivered to various customers "developed undesirable attributes and/or failed to develop as expected." Please state whether you have undertaken or commissioned any formal or informal investigations or inquiries regarding the cause of the undesirable attributes and/or development failures to which you refer, and if so, identify each person involved in any such investigation or inquiry and provide a summary of any conclusions reached.

4. Please identify all Syngenta customers to whom you shipped pansies or pansy plugs that "developed undesirable attributes and/or failed to develop as expected."

5. Please describe, in detail, any amounts that you claim you are owed for flowers or plugs that Syngenta purchased.

6. Please describe, in detail, any damages which you claim to have suffered as a result of statements made by Syngenta that you claim are false, misleading, or defamatory.

7. Please describe, in detail, any damages which you claim to have suffered as a result of the Syngenta's alleged intentional interference with your prospective business advantages.

8. Pursuant to Illinois Supreme Court Rule 213 (f), provide the name and address of each witness who will testify at trial and provide the following:

- a. For each Lay Witness:

- (i) The subjects on which the witness will testify.
- b. For each Independent Expert Witness:
 - (i) The subject on which the witness will testify; and
 - (ii) The opinion this Defendant expects to elicit.
- c. For each Controlled Expert Witness:
 - (i) The subject on which the witness will testify;
 - (ii) The conclusions and opinions of the witness and the bases therefor;
 - (iii) The qualifications of the witness; and
 - (iv) Any reports prepared by the witness about the case.

CASSIDAY SCHADE LLP

BY: 

One of the attorneys for Plaintiff,
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Defendants.

No. 06 L 001005

4. "Person" means natural persons, corporations, partnerships, governments (or agencies thereof), quasi-public entities, proprietorships, joint ventures, trusts, estates, and all other forms of legal entities.

5. With respect to responsive documents not produced based on a claim of privilege, produce a privilege log setting forth the following information:

- a. the nature of the document (e.g., letter, memorandum, report, etc.);
- b. the date it bears or, if undated, the date it was written or created;
- c. the identity of the person(s) who wrote or created it;
- d. the identity of the person(s) who received it;
- e. its general subject matter; and
- f. the privilege claimed and the basis therefor.

6. If any document was, but no longer is, in your possession, custody, or control, set forth the following information:

- a. whether the document has been lost, missing, destroyed, transferred, or otherwise disposed of;
- b. the circumstances surrounding the disposition thereof and the date it occurred;
- c. its nature (e.g., letter, memorandum, report, etc.);
- d. the date it bears or, if undated, the date it was written or created;
- e. the identity of the person(s) who wrote or created it;
- f. the identity of the person(s) who received it; and
- g. its general subject matter.

7. The words “and” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring information within the scope of the interrogatory.

8. Whenever appropriate in this set of document requests, the singular form of a word shall also be interpreted as plural, and the plural form of a word shall also be interpreted as singular.

9. “Date” means the exact day, month and year if ascertainable; if not, the closest approximation that can be made thereto by means of relationship to other persons, events, locations, or matters.

10. These requests seek documents for the period January 1, 2005 through the present, unless otherwise specified.

11. “Document” or “writing” refers to the original and all nonidentical copies or reproductions of any written, printed, typed, or recorded matter (including electronically recorded matter) of any kind known to you or in your possession, custody or control, including, but not limited to:

- a. electronic mail, electronic instant messages, computer files, computer disks and tapes; and

- b. letters, correspondence, memoranda, telegrams, instructions, calendars, desk books, records, reports, charts, studies, surveys, speeches, pamphlets, notes, drafts, proposals, minutes of meetings, drawings, audiotapes, audio-visual tapes, computations, tabulations, accounting records, interoffice and intra-office communications, lists, specifications, ledgers, journals, diaries, checks, recordings or memoranda of conversations or any other tangible thing on which any words or phrases are affixed, all mechanical, electronic sound or video records or transcripts thereof, all magnetic records or matter existing in any other machine-readable form, however produced or reproduced, tape or other voice records of conferences, telephone conversations, voice mail messages, and drafts of any of the foregoing.

Document Requests

1. Please produce all documents related to, discussing, or referring to mottled pansy syndrome.
2. You have admitted in Paragraph 8 of your Counterclaims that in the late Summer/Fall of 2005 some of the plugs and plants you delivered to various customers "developed undesirable attributes and/or failed to develop as expected." Please produce all documents related to, discussing, or referring to the undesirable attributes and development failures to which you refer.
3. Please produce all documents related to any formal or informal studies, investigations, or inquiries into the cause of the mottled pansy syndrome (or into the undesirable attributes and development failures to which you refer in Paragraph 8 of your Counterclaims) in pansies or pansy plugs which you produced or sold.
4. Please produce all documents related to, discussing, or referring to your purchase of pansy seeds or the medium in which pansies are grown from Syngenta.
5. Please produce all documents related to, discussing, or referring to the sale of pansies or pansy plugs to Syngenta.
6. Please produce all documents related to, discussing, or referring to the production of pansies or pansy plugs for Syngenta or Syngenta's customers.
7. Please produce all correspondence (including electronic correspondence) to or from Syngenta or any of Syngenta's customers related to, discussing, or referring to mottled pansy syndrome, pansies, pansy plugs, or whether pansies shipped by you had development failures or developed undesirable attributes.
8. Please produce all documents relating to any communications with any of Syngenta's customers.

9. Please produce all contracts or other agreements with any of Syngenta's customers.
10. Please produce all documents referring or relating to Syngenta's settlement of claims arising out of the sale of pansies or pansy plugs.
11. Please produce all correspondence (including electronic correspondence) to or from any third parties related to, discussing, or referring to mottled pansy syndrome, pansies, pansy plugs, or whether pansies shipped by you had development failures or developed undesirable attributes.
12. Please produce all correspondence (including electronic correspondence) relating to this matter sent to or received from any person that you believe may provide insurance coverage for your potential liability in this matter and/or the costs of defending this matter.
13. Please produce any documents from 1995 to the present related to, discussing, or referring to any incidents in which pansies or pansy plugs grown, sold, or shipped by you had or were alleged to have mottled pansy syndrome or other undesirable attributes or development failures.
14. Please produce all contracts or orders (including any accompanying or attached documents) with, sent to, or received from Syngenta related to the purchase, production or shipment of pansies, pansy seeds, pansy plugs, or the medium in which pansies are grown.
15. Please produce all invoices, bills or other statements you sent to Syngenta seeking payment for the production, sale, or shipment of pansies or pansy plugs.
16. Please produce any documents related to your allegations that Syngenta made false or defamatory statements about you including, but not limited to, communications which you contend are false or defamatory and documents discussing or referring to the alleged false or defamatory statements.
17. Please produce any documents related to your allegation that actions of Syngenta caused a decline in your sales, including, but not limited to, any documents related to whether your customers or Syngenta's customers have reduced their purchases of products grown by you because of statements made by Syngenta.
18. Please produce documents sufficient to demonstrate your annual sales volumes and revenue by product category since January 1, 2000.
19. Please produce all documents relating to Conrad Fafard, Inc.

20. An affidavit by the person answering this Request for Production certifying that this response is true and complete in accordance with Supreme Court Rules.

CASSIDAY SCHADE LLP

By: 

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