

Exhibit 5: Proof Requirements for Early Use Plaintiffs

All Early Use Plaintiffs shall produce the following:

1. Documents sufficient to show that Plaintiff personally purchased and/or used paraquat in a brand manufactured by Defendants during the Early Use Years.
2. If such documents do not exist or cannot be obtained, Plaintiff shall produce a detailed affidavit from a non-family member as described in **Exhibit 4**.
3. If a detailed affidavit from a non-family member does not exist or cannot be obtained, Plaintiff shall produce a detailed affidavit from a family member sufficient to show Plaintiff used paraquat during the Early Use Years. The affidavit shall contain the information described in Section II(C). The affidavit will be signed under penalty of perjury.
4. All Plaintiffs who allege claims against one or more in-state defendant(s) (in addition to Syngenta and Chevron) shall produce documents as described in **Exhibit 3**, or if such documents do not exist or cannot be obtained, a detailed affidavit and documents as described in **Exhibit 4**.
5. To the extent any of the documents or affidavits required by this **Exhibit 5** do not exist or cannot be obtained, Plaintiff shall produce two attestations, signed by Plaintiff and Counsel for Plaintiff respectively, stating that fact and the reasons why such materials do not exist or cannot be obtained and the steps taken to obtain the documents or records, and shall provide a "No Records Statement" from each records custodian or

proof of return to sender from the United States Postal Service if the last known address of the records custodian is no longer valid.

6. If Plaintiff swears that responsive materials do not exist or cannot be obtained, Plaintiff may be barred from using any materials that would have been responsive to the requests to support any of Plaintiff's claims in this MDL proceeding.