

RECEIVED

DEC 26 2018

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNITED STATES COURT of APPEALS
for the NINTH CIRCUIT
Box 193939
San Francisco ,California 94119-3939

RALPH A. APPLGATE,
PETITIONER ,

Versus

Case No.16-MDL-02741-VC
Case No. 3:18-CV-03363-VC
Case No. 18-72281

MONSANTO COMPANY,
RESPONDENT,

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT of CALIFORNIA ,
RESPONDENT,

FURTHER FAILURE to COMMUNICATE(CDA)and its
RELATIONSHIP to EDUCATION , et.al .

M

11. "Failure to look beyond " stated evidence questions is part of CDA .

12. Plaintiff had another different dream of December 18, 2018 a.m. about
another problem .

13. Plaintiff has inquired to Leetonia High School about their 1950

Bacalaurete speech " PRESS ON TO A HIGHER CALLING "

(Look beyond). It was an Eureka moment .

14. These parties failed to "Look Beyond " :

A. United States of America

Has not looked beyond "Shaky " glyphosate evidence to cause
and effect .

B. European Union

Has "outlawed " Polyethoxylated Tallow Amine " but, is now
erroneously reconsidering glyphosate .

C. EPA

Has never looked beyond glyphosate .

D. Plaintiff Applegate

Plaintiff and spouse did not recall advising Toxicologist Pinkham on March 9, 2009 nor Oncologist Hofmeister in May, 2009 that plaintiff had been exposed to 7 days consecutive exposure to Roundup. That was when Pinkham made her “Eureka” statement that “She never in her life saw blood like this “.

E. Toxicologist Pinkham

Plaintiff does not recall Pinkham asking plaintiff if plaintiff had been exposed to any chemicals , and to what exposure ? Plaintiff does not recall Pinkham ordering a blood IgM draw , Pinkham refuses to produce plaintiff’s medical records to Atty.Gen.Dewine.

F. Oncologist Chen

Diagnosed plaintiff having Multiple Myeloma ,ordered bone marrow biopsy, needed to confirm Waldenstrom Macroglobulinemia .Was not looking beyond for cause and effect .

G. Oncologist Yadav

Too busy threatening plaintiff to use 2CDA. Looking beyond too difficult for him .

H. Pathologist Aimee Gewirtz

James Cancer Hospital Pathology Dept. , authority for NHL, neglected even earlier than 2009 and in 2009 , and to this day,to collect IgM history for “looking beyond “ for cause and effect of Waldenstrom Macroglobulinemia ? Did not provide copy of 8980 IgM ,did not look beyond , unaccustomed to , and failed to suggest looking beyond ?

J. Weill Cornell Medical Center Pathologist(Name Unknown)

Weill Cornell Pathology Dept., authority for NHL,neglected in 2010,and after ,finding higher IgM of 10289,did not produce copy of IgM or bone marrow biopsy , also did not suggest looking beyond for cause and effect for Waldenstrom Macroglobulinemia . At that time plaintiff and spouse, Rosemary K. Applegate , had not advised Dr. Furman that plaintiff recalled that plaintiff had been exposed 7 consecutive days to Roundup , and even though this was true , Weill Cornell Medical Center had exposure and effect records/evidence then that Roundup caused Waldenstrom Macroglobulinemia .

K. Oncologist Craig Hofmeister

Too busy criticizing plaintiff for refusing to use Fludarabine .

L. Oncologist Thomas Sweeney

Too busy regularly using Rituximab for treatment .

M. Oncologist Richard Furman

Even though plaintiff and spouse advised Furman plaintiff was exposed to Roundup ,Furman guessed that Roundup did not cause Waldenstrom Macroglobunemia , but ,

stated no basis for that conclusion , in August , 2010, or later .
Dr.Furman contemplated no looking beyond .

N. Judge Chhabria

Could still be , but clearly is not yet looking beyond .

P. Attorney Michael Miller , and 57 others

Apparently still hung up on “ Shaky “glyphosate evidence ,

Q. Attorney Joe Hollingsworth

Hollingsworth obviously still is hung up on “ Shaky “ glyphosate evidence , but , should still be looking beyond to show good faith about settlement, but is not .

R. Oncologist Nabhan

Even though Dr. Nabhan was a practicing oncologist ,and knew or reasonably should have known of astronomical increase in IgM’s from his practice , Dr. Nabhan should have looked beyond and known earlier that by at least 2 days consecutive exposure to Roundup and astronomical effect of increase in IgM should have proven that Roundup caused Waldenstrom Macroglobulinemia , and other plaintiff ‘s non hodgkins lymphomas. Dr. Nabhan was also asleep at a wheel .

15. Plaintiff has since learned that Cleveland Clinic’s advice on a later page was a guess that there were/are no known cause for NHL’s .

16. “Press On Toward A Higher Calling “ speech appears to be a better one than “Gettysburg Address “ . Whether or not Honorable Judge Chhabria prepares his own 2019 speech about Roundup is his call .

Respectfully submitted

Signed 

Ralph A. Applegate

Plaintiff Pro Se

1544 Zettler Road

Columbus ,Ohio 43227

914-410-1568

rapplegate48@gmail.com

Defendant Attorneys

David P. Strup

Shoemaker,Loop, & Kendrick , L.L.P.

1000 Jackson Street
Toledo, Ohio 43604
419-321-1306
dstrup@slk-law.com

Heather Pigman
Hollingsworth LLP
1350 I Street NW
Washington DC, 2005
202-898-5800
hpigman@hollingsworthLLP.com

CERTIFICATE of SERVICE

Plaintiff/Appellant /Respondent serves this FURTHER FAILURE to
COMMUNICATE(CDA)and its RELATIONSHIP to EDUCATION,
et.al by regular mail to appellee attorney Heather Pigman , to
9th Circuit Court of Appeals , and to Clerk of U.S. District Court ,
Northern District of California , so as to serve on Judge Chhabria ,
by December 20, 2018 , et.al .

Ralph A. Applegate
1544 Zetter Road
Columbus, Ohio 43227

Clark
U.S. District Court
North Dist. of Cal.
450 Golden Gate Ave.
San Francisco, Cal. 94102.



COLUMBUS OH 432
21 DEC 2018 PM 3 L

9410233489 0004