

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS  
LIABILITY LITIGATION

MDL No. 2741  
Case No. 16-md-02741-VC

This document relates to:  
  
ALL ACTIONS

**PRETRIAL ORDER NO. 4:  
PLAINTIFFS' LEADERSHIP  
STRUCTURE**

The Court has considered the parties' submissions on the plaintiffs' leadership structure and orders as follows.

**I. Co-lead counsel**

The Court appoints as co-lead counsel Robin Greenwald of Weitz & Luxenberg, PC; Michael Miller of The Miller Firm, LLC; and Aimee Wagstaff of Andrus Wagstaff, PC. The court vests co-lead counsel with the responsibility for coordinating and overseeing MDL activities for the plaintiffs. Specifically, co-lead counsel have the authority and the duty to:

1. Propose agenda items for case management conferences and appear at case management conferences and hearings;
2. Chair the Plaintiffs' Executive Committee;
3. Schedule and set agendas for Executive Committee meetings, and keep minutes or transcripts of those meetings;
4. Draft case management orders for the orderly and efficient litigation of this case, including a case management order that provides for the duties and responsibilities of the MDL

leadership structure as set forth herein;

5. Enter into stipulations with the defendants;
6. Sign and file all pleadings relating to all actions in the MDL;
7. Determine the plaintiffs' position on matters arising during the pretrial proceedings, and present that position in pleadings, briefs, motions, oral argument, or as otherwise appropriate, personally or by a designee;
8. Coordinate and conduct discovery on behalf of the plaintiffs, consistent with the requirements of the Federal Rules of Civil Procedure and the Local Rules of the Northern District of California;
9. Liaise with defense counsel;
10. Schedule and engage in settlement negotiations with the defendants, and if there is a settlement, propose a claims protocol and/or plan of allocation;
11. Consult with and employ expert witnesses;
12. Enter into contracts and other agreements with expert witnesses or vendors – such as a document depository vendor or court-reporting services – as necessary to litigate this MDL;
13. Establish protocols for common benefit billing and disbursements, maintain records of such billing and disbursements advanced by Executive Committee members, and report periodically to the Executive Committee concerning disbursements and receipts;
14. Maintain and collect time and expense records for work performed, time billed, costs incurred, and other disbursements made by plaintiffs' counsel whose work has been specifically authorized, and submit at the Court's request in writing, ex parte, and in camera reports to the Court regarding time billed in the prosecution of this action;
15. Retain the services of any attorney not part of the Executive Committee to perform any common benefit work, provided the attorney so consents and is bound by the compensation structure established in this MDL;
16. Establish and maintain a depository for orders, pleadings, hearing transcripts, and all documents served on plaintiffs' counsel, and make such papers available to plaintiffs' counsel

upon reasonable request;

17. Otherwise coordinate the work of all plaintiffs' counsel, and perform such other duties as the co-lead counsel deem necessary, in order to advance the litigation or as authorized by further order of the Court; and

18. Perform any other necessary administrative or logistic functions of the Executive Committee, and carry out any other duty ordered by the Court.

Absent agreement of the parties in advance, all requests to and negotiations with Monsanto shall be made by plaintiffs' co-lead counsel unless the request or negotiation relates to a case-specific issue that doesn't impact other matters within the MDL.

## **II. Plaintiffs' Executive Committee**

The Court appoints the co-lead counsel as members and chairs of the Executive Committee. The Court further appoints as members of the Executive Committee Michael Baum, Baum Hedlund Aristei and Goldman; Hunter Lundy, Lundy Lundy Soileau & South; and Yvonne Flaherty, Lockridge Grindal Nauen. The Executive Committee is responsible for assisting in all aspects of the MDL, as directed by the co-lead counsel.

## **III. Liaison counsel**

The Court appoints as liaison counsel Lori Andrus, Andrus Anderson, LLP and Mark Burton, Audet and Partners. The role of co-liaison counsel includes administrative matters, such as:

1. Liaising with plaintiffs' attorneys who file cases in this MDL and who are not appointed to leadership in this MDL;
2. Preparing, maintaining, and transmitting copies of documents served in this MDL;
3. Maintaining the Court's orders and notices and the JMPL's orders and notices for all plaintiffs' counsel; and
4. Coordinating between the MDL and the various state court actions currently pending or later filed.

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The Court may alter the leadership counsel or the allocation of responsibilities if circumstances warrant, either on a party's motion or sua sponte.

Co-lead counsel must submit a proposed Common Benefit and Expense Order by no later than December 16, 2016.

**IT IS SO ORDERED.**

Dated: December 7, 2016



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VINCE CHHABRIA  
United States District Judge