

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. 150:
SCHEDULING ORDER FOR
REMAND WAVES 1 AND 2**

The Court will prepare the cases in the MDL for transfer back to their home districts in waves grouped by governing state law. The first two waves will each consist of the cases filed in one state selected by the plaintiffs and one state selected by Monsanto. For the first wave, those states are California (the plaintiffs' choice) and Nebraska (Monsanto's choice). For the second wave, those states are Illinois (the plaintiffs' choice) and North Carolina (Monsanto's choice).¹ Cases filed in other states that may be governed by the law of one of these four states will be adjudicated in a later wave, as will cases from these four states that have not yet been transferred to the MDL. The timeline and cases for the first two waves are listed below. The Court will issue a separate order discussing the timeline and procedure for severing multi-plaintiff cases.

¹ As noted in the timeline below, if there are any disputes over the governing state law for a particular case, the parties should file a joint letter brief explaining the dispute. Cases that are governed by the law of a state other than the state where they were filed will be moved to a later wave.

Wave 1 Timeline:

Event	Date
Plaintiff Fact Sheets (including all relevant authorizations) due for any plaintiffs who have not yet provided them.	10 days from entry of this order
Each plaintiff will provide any medical records in his/her possession and/or his/her counsel's possession to defense counsel.	10 days from entry of this order
Deficiency letter(s) sent.	4 business days from receipt of Plaintiff Fact Sheet
Deadline to cure Plaintiff Fact Sheet deficiencies; the parties may file a consolidated letter brief regarding any disputes about whether a deficiency exists.	7 days from receipt of deficiency letter
Close of fact discovery.	August 16, 2019
Plaintiffs' expert reports due.	August 20, 2019
The parties should file a letter brief identifying any disputes over the applicable state law for the wave 1 cases. For cases where that is undisputed, the parties should file a stipulation identifying the governing state law.	August 30, 2019
Monsanto's expert reports due.	September 3, 2019
Close of expert discovery.	October 1, 2019
Monsanto's <i>Daubert</i> and summary judgment briefs due.	October 7, 2019
Plaintiffs' opposition and cross-motions re: <i>Daubert</i> and summary judgment due.	October 21, 2019
Monsanto's oppositions and replies re: <i>Daubert</i> and summary judgment due.	November 4, 2019
Plaintiffs' replies re: <i>Daubert</i> and summary judgment due.	November 18, 2019
<i>Daubert</i> hearing (if necessary).	December 4, 2019

Wave 1 Cases:

Cases transferred to the MDL from California district courts:

Plaintiff Name(s)	Member Case Name	Member Case Number	Transferor Court
Carriere, Jerald	Carriere	3:18-cv-05778	CA Central District
Chavez, Armando Vargas	Chavez	3:18-cv-04855	CA Central District
Graef, Shaun	Graef	3:19-cv-02316	CA Central District
Hernandez, Ines	Hernandez	3:16-cv-05750	CA Central District
Johansing, Peter	Johansing	3:16-cv-05751	CA Central District
McCall, Teri (individually and as successor in interest for the estate of Anthony McCall); David McCall; Paul McCall; Maggie McCall; Alicia Suarez	McCall	3:16-cv-05749	CA Central District

Russo, Matteo Anthony	Russo	3:16-cv-06024	CA Central District
Sanders, John D.	Sanders	3:16-cv-05752	CA Central District
Tanner, Frank	Sanders	3:16-cv-05752	CA Central District
Wooten, Karen; Harley Wooten III; Timothy Wooten, individually and on behalf of the Estate of Harley Wooten	Wooten	3:17-cv-01735	CA Central District
Galvan, Paul	Galvan	3:17-cv-00781	CA Eastern District
Mendoza, Yolanda	Mendoza	3:16-cv-06046	CA Eastern District
Calderon, Jamie Alvarez	Calderon	3:19-cv-01630	CA Northern District
Ramirez, Robert	Ramirez	3:19-cv-02224	CA Northern District
Giglio, Emanuel	Giglio	3:16-cv-05658	CA Southern District
Harris, Anthony	Harris	3:17-cv-03199	CA Southern District
Hernandez, Ruben	Hernandez	3:17-cv-07364	CA Southern District

Cases transferred to the MDL from the District of Nebraska:

Plaintiff Name(s)	Member Case Name	Member Case Number	Transferor Court
Dickey, Robert L.	Domina	3:16-cv-05887	District of Nebraska
Domina, Larry E.	Domina	3:16-cv-05887	District of Nebraska
Janzen, Royce D.	Domina	3:16-cv-05887	District of Nebraska
Pollard, Frank	Domina	3:16-cv-05887	District of Nebraska
Sanchez, Sabas	Sanchez	3:17-cv-03377	District of Nebraska

Wave 2 Timeline:

Event	Date
Plaintiff Fact Sheets (including all relevant authorizations) due for any plaintiffs who have not yet provided them.	21 days from entry of this order
Each plaintiff will provide any medical records in his/her possession and/or his/her counsel's possession to defense counsel.	21 days from entry of this order
Deficiency letter(s) sent.	4 business days from receipt of Plaintiff Fact Sheet
Deadline to cure Plaintiff Fact Sheet deficiencies. The parties may file a consolidated letter brief regarding any disputes about whether a deficiency exists.	7 days from receipt of deficiency letter
Close of fact discovery.	February 10, 2020
Plaintiffs' expert reports due.	February 17, 2020
The parties should file a letter brief identifying any disputes over the applicable state law for the wave 2 cases. For cases where that is undisputed, the parties should file a stipulation identifying the governing state law.	February 24, 2020
Monsanto's expert reports due.	March 2, 2020
Close of expert discovery.	March 26, 2020

Monsanto's <i>Daubert</i> and summary judgment briefs due.	April 17, 2020
Plaintiffs' opposition and cross-motions re: <i>Daubert</i> and summary judgment due.	May 8, 2020
Monsanto's oppositions and replies re: <i>Daubert</i> and summary judgment due.	May 22, 2020
Plaintiffs' replies re: <i>Daubert</i> and summary judgment due.	June 5, 2020
<i>Daubert</i> hearing (if necessary).	June 24, 2020

Wave 2 Cases:

Cases transferred to the MDL from North Carolina district courts:

Plaintiff Name(s)	Member Case Name	Member Case Number	Transferor Court
Green, Tracy	Green	3:18-cv-05238	NC Eastern District
Prince, William	Prince	3:17-cv-04737	NC Eastern District
Strickland, Johnny	Strickland	3:17-cv-03201	NC Eastern District
Gatson, Darryl	Gatson	3:18-cv-05317	NC Middle District
Frady, Geneva	Frady	3:19-cv-2076	NC Western District
Logan, Jerry	Logan	3:18-cv-05239	NC Western District
Seidl, Randall Dean	Seidl	3:17-cv-00519	NC Western District


Cases transferred to the MDL from Illinois district courts:

Plaintiff Name(s)	Member Case Name	Member Case Number	Transferor Court
Cushman, Josh	Cushman	3:16-cv-06018	Ill. Southern District
Bridgeman, Charles	Bridgeman	3:16-cv-05785	Ill. Southern District
Harris, Douglas	Harris	3:16-cv-05786	Ill. Southern District
Patterson, Lynda K.	Patterson	3:16-cv-05787	Ill. Southern District
Estate of Robert Cochran by Misty Hill, its Administrator	Estate of Robert Cochran	3:17-cv-03200	Ill. Southern District
O'Neil, Linda; O'Neil, Marvin	O'Neil	3:17-cv-03378	Ill. Central District
Weddel, Mark	Weddel	3:17-cv-00783	Ill. Central District
Cooper, Mikle	Cooper	3:17-cv-02212	Ill. Central District
Ford, Mary	Ford	3:16-cv-06030	Ill. Central District
Trimpe, Tina	Trimpe	3:16-cv-06032	Ill. Central District
Pecorelli, Mark	Pecorelli	3:16-cv-06936	Ill. Northern District
Goodbred, Larry	Goodbred	3:16-cv-06010	Ill. Northern District
Gibbs, Ricky	Gibbs	3:16-cv-05652k	Ill. Northern District
Delmore-Barton, Karen	Delmore-Barton	3:18-cv-01427	Ill. Northern District
Martino, Jenni; Martino, Justin	Martino	3:18-cv-03626	Ill. Northern District
Kapolnek, Jean	Kapolnek	3:18-cv-04014	Ill. Northern District
Underwood, Louisa	Underwood	3:18-cv-06805	Ill. Northern District
Peterson, James	Peterson	3:18-cv-07271	Ill. Northern District
McCrae, Alex; McCrae, Diane	McCrae	3:19-cv-00925	Ill. Northern District

Karman, Christine	Karman	3:19-cv-01183	Ill. Northern District
Rehak, Lorraine	Rehak	3:19-cv-01719	Ill. Northern District
Erb, James	Erb	3:19-cv-02166	Ill. Northern District
Batherson, Garland	Batherson	3:19-cv-02167	Ill. Northern District
Smith, Ricky	Smith	3:19-cv-02168	Ill. Northern District
Schafer, John	Schafer	3:19-cv-02169	Ill. Northern District
Chatman, Janeil	Chatman	3:19-cv-02170	Ill. Northern District
Shultz, Nichole	Shultz	3:19-cv-02190	Ill. Northern District
Bullock, Kevin	Bullock	3:19-cv-02575	Ill. Northern District
Panichi, Thomas	Panichi	3:19-cv-02763	Ill. Northern District
Cervantes, Gerard	Cervantes	3:19-cv-03015	Ill. Northern District

IT IS SO ORDERED.

Date: June 14, 2019



Honorable Vince Chhabria
United States District Court