

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: ROUNDUP PRODUCTS
LIABILITY LITIGATION

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

Hon. Vince Chhabria

This document relates to:
ALL ACTIONS

**JOINT CASE MANAGEMENT STATEMENT
AND LITIGATION PLAN**

Pursuant to the Court's September 24, 2020 Minute Order, Plaintiffs' leadership and Monsanto's counsel hereby provide the following updates to the Court.

I. General Update

There are currently 3,787 plaintiffs with pending cases within this MDL. 1,861 cases are not subject to a Master Settlement Agreement (MSA) or subject to a Term Sheet. 1,926 cases are subject to a Master Settlement Agreement or a Term Sheet. (The "Settled Cases"). It is important to note that while it is the expectation of both the PSC and Monsanto that the Settled Cases will result in stipulations of dismissal with prejudice, it is possible that some of these cases will not culminate in settlement because some MSAs have conditions which must be met, such as participation percentage rates, opt outs, or other target deadlines for them to become fully consummated, which have not yet occurred. Having said that, it is the expectation that the overwhelming majority of the Settled Cases will in fact result in full settlement and be dismissed with prejudice.

The parties remain actively engaged in ongoing settlement discussions and/or Monsanto is making contact with all of the counsel who represent these 1861 plaintiffs.¹ Additionally, Special Master, Ken Feinberg is serving as mediator between the parties with more than 9 formal mediations

¹ The numbers of cases provided throughout the pleading are best estimates as of this date. The numbers change on a regular basis and therefore should be considered approximations.

underway. Moreover, Special Master Feinberg has recently launched an effort to reach out to the remaining plaintiffs that are not currently in active discussions with Monsanto, particularly those with four or less cases in the MDL and *pro se* plaintiffs, to request information about those cases in order to facilitate resolution of these remaining plaintiffs' claims.

II. Wave 1 Cases

As of this date, roughly two-thirds of cases in Wave 1 are settled or subject to a finalized master settlement agreement. Monsanto is in discussions with plaintiffs' counsel in the remaining cases, and many are in the midst of mediation or have mediations scheduled in the near future. Given the constructive, ongoing mediations in several Wave 1 cases, the parties will be prepared to address which cases might be subject to remand at the November 9 hearing.

III. Wave 2 Cases

As of this date, roughly two-thirds of cases in Wave 2 are settled or subject to a finalized master settlement agreement. Monsanto is in discussions with plaintiffs' counsel in the remaining cases, and many are in the midst of mediation or scheduled to be mediated in the near future.

The parties agree the following schedule should apply in the Wave 2 cases.

Event	Date
Plaintiff Fact Sheets (including all relevant authorizations) due for any plaintiffs who have not yet provided them.	No change from previous order
Each plaintiff will provide any medical records in his/her possession and/or his/her counsel's possession to defense counsel.	No change from previous order
Deficiency letter(s) sent.	No change from previous order
Deadline to cure Plaintiff Fact Sheet deficiencies. The parties may file a consolidated letter brief regarding any disputes about whether a deficiency exists.	No change from previous order
Close of fact discovery.	February 19, 2021
Plaintiffs' expert reports due.	March 5, 2021

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.	March 26, 2021
Monsanto's expert reports due.	April 9, 2021
Close of expert discovery.	May 17, 2021
Monsanto's <i>Daubert</i> and summary judgment briefs due.	May 31, 2021
Plaintiffs' opposition and cross-motions re: <i>Daubert</i> and summary judgment due.	June 21, 2021
Monsanto's oppositions and replies re: <i>Daubert</i> and summary judgment due.	July 7, 2021
Plaintiffs' replies re: <i>Daubert</i> and summary judgment due.	July 21, 2021
<i>Daubert</i> hearing (if necessary).	August 23, 2021

IV. Wave 3 Cases

Plaintiffs select Pennsylvania as their Wave 3 selection. Monsanto selects Texas as its Wave 3 selection.

Cases transferred to the MDL from Pennsylvania District Courts are as follows:

Plaintiff's Name	MDL Case No.	Transferor Court
Adams, Roy	3:20-cv-06343	USDC Eastern District PA
Baker, Richard	3:19-cv-07593	USDC Eastern District PA
Bonanni, Vincent	3:19-cv-08382	USDC Western District PA
Britt, Lawrence	3:20-cv-05366	USDC Eastern District PA
Cross, Judy	3:20-cv-05366	USDC Western District PA
Giri, Meena	3:20-cv-05366	USDC Eastern District PA
Homen, David	3:20-cv-05366	USDC Eastern District PA
Johnson, Frederick	3:20-cv-05366	USDC Eastern District PA
Johnson, Jeffrey	3:20-cv-05366	USDC Eastern District PA
Johnson, Melvin	3:20-cv-05366	USDC Eastern District PA

Plaintiff's Name	MDL Case No.	Transferor Court
Karamichalakos, Amani	3:20-cv-05366	USDC Eastern District PA
Kelly, Diane	3:20-cv-05366	USDC Eastern District PA
Kirsch, John	3:20-cv-05366	USDC Eastern District PA
Kreitzer, Tyrone	3:20-cv-05366	USDC Middle District PA
Kuckenbrod, Roger	3:20-cv-02972	USDC Middle District PA
Mancini, Denise	3:19-cv-07984	USDC Western District PA
Manuel, Leon	3:19-cv-08036	USDC Eastern District PA
Bordner, Karen	3:19-cv-06830	USDC Eastern District PA
Miller, Loretta	3:20-cv-07216	USDC Western District PA
Modafferi, John	3:20-cv-01277	USDC Middle District PA
Pettinati, Marlene A.	3:20-cv-03301	USDC Eastern District PA
Bowen, Kim	3:20-cv-06773	USDC Eastern District PA
Pryor, John	3:20-cv-03370	USDC Eastern District PA
Ricke, Lawrence J.	3:18-cv-06806	USDC Middle District PA
Savory, Carl	3:19-cv-05523	USDC Eastern District PA
Schaffner, Jr., David	3:20-cv-06988	USDC Western District PA
Schieber, Joseph	3:20-cv-04371	USDC Middle District PA
Schroeder, Frederick N	3:20-cv-07391	USDC Eastern District PA
Shifflett, Kenneth	3:20-cv-02806	USDC Middle District PA
Shoop, Larry	3:20-cv-05768	USDC Middle District PA
Simonds, Anne	3:20-cv-03112	USDC Eastern District PA

Plaintiff's Name	MDL Case No.	Transferor Court
Spector, Beth	3:20-cv-03074	USDC Eastern District PA
Troutman, Paul	3:20-cv-04213	USDC Middle District PA
Vosper, Ira	3:19-cv-07375	USDC Eastern District PA
Webster, Cara	3:19-cv-00903	USDC Western District PA
Wigglesworth, Maurice	3:20-cv-05763	USDC Eastern District PA
Wiley, Rufus	3:20-cv-00842	USDC Eastern District PA
Wiltrout, Robert	3:20-cv-05623	USDC Middle District PA

Cases transferred to the MDL from Texas District Courts are as follows:

Plaintiff's Name	MDL Case No.	Transferor Court
Adelson, Sally	3:19-cv-00122	USDC Western District TX
Alexander, M.	3:19-cv-05599	USDC Northern District TX
Ayers, Russell	3:20-cv-05366	USDC Southern District TX
Bayer, Suzanne	3:20-cv-05366	USDC Southern District TX
Eggleston, Lee	3:20-cv-05366	USDC Southern District TX
Jewell, Teresa	3:20-cv-05366	USDC Southern District TX
Millner, William	3:20-cv-05366	USDC Southern District TX
Mulch, Elsie	3:20-cv-05366	USDC Southern District TX
Norton, James	3:20-cv-05366	USDC Southern District TX
Nye, Sturdevant	3:20-cv-05366	USDC Southern District TX
Premoe, Charles	3:20-cv-05366	USDC Southern District TX
Smith, Eddie	3:20-cv-05366	USDC Southern District TX

Plaintiff's Name	MDL Case No.	Transferor Court
Stricklin, James	3:20-cv-05366	USDC Southern District TX
Timberlake, Paul	3:20-cv-05366	USDC Southern District TX
Banks, Willie	3:20-cv-02972	USDC Southern District TX
Blair, Joseph	3:19-cv-07984	USDC Eastern District TX
Cantu, Gilberto	3:19-cv-08036	USDC Southern District TX
Carriere, Hiram	3:19-cv-06830	USDC Southern District TX
Carroll, Raymond	3:20-cv-07216	USDC Eastern District TX
Chapman, Otis	3:20-cv-01277	USDC Southern District TX
Denkins, La Yuanda	3:20-cv-03301	USDC Southern District TX
Freel, Joni	3:18-cv-06806	USDC Northern District TX
Garces, Carolina	3:19-cv-05523	USDC Northern District TX
Garza, Juan	3:20-cv-06988	USDC Southern District TX
Gordon, James	3:20-cv-04371	USDC Southern District TX
Solis, Sylvia	3:20-cv-07391	USDC Western District TX
Howard, Christopher	3:20-cv-02806	USDC Southern District TX
Jones, Patricia	3:20-cv-05768	USDC Southern District TX
Jones, John	3:20-cv-03112	USDC Southern District TX
Koen, Bradley	3:20-cv-03074	USDC Western District TX
Lowe, Christopher	3:20-cv-04213	USDC Northern District TX
Lowery, Michael	3:19-cv-07375	USDC Western District TX
Muzquiz, Homero	3:19-cv-00903	USDC Southern District TX

Plaintiff's Name	MDL Case No.	Transferor Court
Ochoa, Salome	3:20-cv-05763	USDC Western District TX
Peters, Larry	3:20-cv-00842	USDC Northern District TX
Powell, Donnie	3:20-cv-05623	USDC Northern District TX
Scheh, Donald	3:20-cv-02427	USDC Eastern District TX
Sullivan, Susan	3:20-cv-01583	USDC Southern District TX
Vlasatik, Michael	3:19-cv-07374	USDC Southern District TX
Woods, Keith	3:20-cv-06992	USDC Southern District TX

Wave III Court Ordered Deadlines:

The parties agree the following schedule should apply in the Wave 3 cases.

Event	Date
Plaintiff Fact Sheets (including all relevant authorizations) due for any plaintiffs who have not yet provided them.	30 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.	30 days from entry of this order
Deficiency letter(s) sent.	4 business days from receipt of PFS
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.	10/26/2021
Plaintiffs' expert reports due.	11/8/2021
The parties should file a letter brief identifying any disputes over the applicable state law for the wave 3 cases. For cases where that is undisputed, the parties should file a stipulation identifying the governing state law.	11/15/2021
Monsanto's expert reports due.	12/3/2021
Close of expert discovery.	1/10/2022
Monsanto's <i>Daubert</i> and summary judgment briefs due	1/24/2022
Plaintiffs' opposition and cross-motions re: <i>Daubert</i> and summary judgment due.	2/7/2022

Monsanto's oppositions and replies re: <i>Daubert</i> and summary judgment due.	2/21/2022
Plaintiffs' replies re: <i>Daubert</i> and summary judgment due.	3/7/2022
<i>Daubert</i> hearing (if necessary).	4/11/2022

V. *Gebeyehou v. Monsanto.*

The Court should rule on the pending motion for summary judgment in the *Gebeyehou* case on statute of limitations grounds.

DATED: November 2, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on November 2, 2020, service of this document was accomplished pursuant to the Court's electronic filing procedures by filing this document through the ECF system.

By: /s/ Brian L. Stekloff
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