

**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 November 23, 2020 Minute Order, Plaintiffs' leadership and Monsanto's counsel hereby provide the following updates to the Court.

I. General Update

There are currently 3,832 plaintiffs with pending cases within this MDL. 1,989 plaintiffs are not subject to a Master Settlement Agreement (MSA) or subject to a Term Sheet. 1,843 plaintiffs are subject to a Master Settlement Agreement or a Term Sheet. (The "Settled Cases"). The parties provided the Court with a list of "settled cases" on November 16, 2020 [Dkt. No. 12058], and updated that list on November 19, 2020 [Dkt. No. 12072]. Since the most recent update, the following cases can be added to the list of cases subject to Master Settlement Agreement or a Term Sheet.

Case Name	Current Cause #
Russo, Matteo Anthony	3:16-cv-06024
Minando, Perry	3:17-cv-03227
Hernandez, Ruben	3:17-cv-07364
Gibbs, Frank S.	3:19-cv-04228
Rahe, Jeanne	3:19-cv-07106
Enright, Kyle	3:20-cv-01398
Brantley, Melanie	3:20-cv-07885

As the parties have noted previously, 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 1,989 plaintiffs¹. Monsanto has reached out to all law firms that have three or more unresolved cases and is in the process of gathering information about those cases in order to facilitate resolution. Additionally, Special Master, Ken Feinberg is serving as mediator between the parties with more than 10 formal mediations underway. Moreover, Special Master Feinberg has recently launched an effort to reach out to the remaining plaintiffs' counsel that are not currently in active discussions with Monsanto, including those with only one or two cases in the MDL and *pro se* plaintiffs, to request information about those cases in order to facilitate resolution of these remaining plaintiffs' claims.

On November 16, 2020 the parties submitted to the Court a list of pending motions in the MDL (Dkt. No. 12058). The following motions from that filing can now be changed to Settled.

MDL Dkt. No.	Case Dkt. No.	Motion	Case Caption	Case Number
8001	27	MOTION for Summary Judgment on Causation Grounds & Motion to Exclude Testimony of Plaintiff's Experts on Daubert Grounds filed by Monsanto Company.	Russo v. Monsanto Co.	3:16-cv-06024

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.

7999	28	MOTION for Summary Judgment on Non-Causation Grounds filed by Monsanto Company	Russo v. Monsanto Co.	3:16-cv-06024
7999	19	MOTION for Summary Judgment On Non-Causation Grounds filed by Monsanto Company	Hernandez (Ruben) et al. v. Monsanto Co.	3:17-cv-07364
8001	20	MOTION for Summary Judgment on Causation Grounds & Motion to Exclude Testimony of Plaintiff's Experts on Daubert Grounds filed by Monsanto Company	Hernandez (Ruben) et al. v. Monsanto Co.	3:17-cv-07364
8012	21	Motion to Exclude the Testimony of Specific Causation Experts	Hernandez (Ruben) et al. v. Monsanto Co.	3:17-cv-07364

II. Wave 1 Cases

As of this date, only 2 Wave 1 cases are not subject to a Master Settlement agreement or otherwise unresolved, *Giglio v. Monsanto* (3:16-cv-05658) and *Alvarez v. Monsanto* (Case No. 3:19-cv-01630). Monsanto is in discussions with plaintiffs' counsel in these two remaining cases, and the *Giglio* case is currently in mediation. With respect to *Alvarez*, the parties are meeting and conferring and preparing a proposed scheduling order to submit to the Court in advance of the upcoming case management conference.

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.

On November 16, 2020 the parties filed a Proposed Order Granting Joint Proposal For Revised Schedule For Wave 2 Cases [Dkt. No. 12059-1]. The parties respectfully request the Court

enter this proposed order regarding the schedule for the Wave 2 cases.

IV. Wave 3 Cases

On November 16, 2020 the parties filed a Proposed Order Granting Joint Proposal For Revised Schedule For Wave 3 Cases [Dkt. No. 12059-2]. This proposed order also included a list of Cases Transferred to the MDL from Pennsylvania District Courts. Below please find an updated version of that chart reflecting corrected MDL case numbers. Attached to this joint filing is a revised proposed order incorporating these revisions. The parties respectfully request the Court enter this revised proposed order regarding the schedule for the Wave 3 cases.

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- 05367	USDC Eastern District PA
Cross, Judy	3:20-cv- 08245	USDC Western District PA
Giri, Meena	3:20-cv- 04750	USDC Eastern District PA
Holmen, David	3:20-cv- 05040	USDC Eastern District PA
Johnson, Frederick	3:17-cv-05160	USDC Eastern District PA
Johnson, Jeffrey	3:18-cv-00504	USDC Eastern District PA
Johnson, Melvin	3:19-cv-01244	USDC Eastern District PA
Karamichalakos, Amani	3:19-cv-07570	USDC Eastern District PA
Kelly, Diane	3:19-cv-08091	USDC Eastern District PA

1	Kirsch, John	3:19-cv-08091	USDC Eastern District PA
2	Kreitzer, Tyrone	3:19-cv-04648	USDC Middle District PA
3	Kuckenbrod, Roger	3:19-cv-04649	USDC Middle District PA
4	Mancini, Denise	3:17-cv-07257	USDC Western District PA
5	Manuel, Leon	3:19-cv-04125	USDC Eastern District PA
6	Bordner, Karen	3:20-cv-01640	USDC Eastern District PA
7	Miller, Loretta	3:20-cv-00599	USDC Western District PA
8	Modafferi, John	3:19-cv-04645	USDC Middle District PA
9	Pettinati, Marlene A.	3:17-cv-05988	USDC Eastern District PA
10	Bowen, Kim	3:20-cv-06773	USDC Eastern District PA
11	Pryor, John	3:20-cv-03370	USDC Eastern District PA
12	Ricke, Lawrence J.	3:19-cv-04646	USDC Middle District PA
13	Savory, Carl	3:20-cv-02403	USDC Eastern District PA
14	Schaffner, Jr., David	3:19-cv-07526	USDC Western District PA
15	Schieber, Joseph	3:19-cv-05343	USDC Middle District PA
16	Schroeder, Frederick N	3:20-cv-06126	USDC Eastern District PA
17	Shifflett, Kenneth	3:19-cv-04647	USDC Middle District PA
18	Shoop, Larry	3:19-cv-01239	USDC Middle District PA
19	Simonds, Anne	3:20-cv-00115	USDC Eastern District PA
20	Spector, Beth	3:20-cv-05532	USDC Eastern District PA
21	Troutman, Paul	3:19-cv-06093	USDC Middle District PA
22	Vosper, Ira	3:19-cv-05525	USDC Eastern District PA
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Webster, Cara	3:20-cv-01420	USDC Western District PA
Wigglesworth, Maurice	3:19-cv-07864	USDC Eastern District PA
Wiley, Rufus	3:20-cv-05773	USDC Eastern District PA
Wiltrout, Robert	3:19-cv-04643	USDC Middle District PA

Additionally, below please find one of the cases that was listed under the Additional Wave 3

Cases with a corrected MDL case number:

- *Roach v. Monsanto*; 3:20-cv-0062, filed in Missouri; however, according to Plaintiff's counsel, the Plaintiff is a resident of Texas and used Roundup in Texas.

Finally, plaintiffs' counsel have requested that the following cases be added to Wave 3.

Monsanto does not object to these cases being added to Wave 3, subject to plaintiffs' counsel establishing the representations about plaintiffs' residence and Roundup use through plaintiff fact sheets and other documents. Monsanto further reserves its right to challenge venue or seek to transfer the cases to the proper district court prior to remand from the MDL docket.

WAVE 3 – PENNSYLVANIA CASES

Plaintiff's Name	MDL Case No.	Transferor Court	Orig Case No.
Chappell, Linda	3:20-cv-08168-VC	Western Dist. PA	
Dooley, Lisa	3:20-cv-07881-VC	Eastern Dist. PA	
Baumgartner, Helen	3:20-cv-00872-VC	US District Court for District of Delaware (Resident of PA, used product in PA)	1:19-cv-02211-UNA
Hernandez, Sweedney	3:20-cv-08050-VC	Eastern Dist. PA	
Hutzel, William	3:20-cv-00926-VC	US District Court for District of Delaware (Resident of PA, used product in PA)	1:19-cv-02211-UNA

1 **WAVE 3 – TEXAS CASES**

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Plaintiff's Name	MDL Case No.	Transferor Court	Orig Case No.
Blair, Joseph	3:19-cv-07984	Eastern Dist TX	
Hamill, Robert	3:20-cv-00907-VC	US District Court for District of Delaware (Resident of TX, used product in TX)	1:19-cv-02211- UNA
Wright, Sharon	3:20-cv-01038	US District Court for District of Delaware (Resident of TX, used product in TX)	1:19-cv-02226
Adcock, Richard	3:20-cv-00988	US District Court for District of Delaware (Resident of TX, used product in TX)	1:19-cv-02226
Calhoun, Dudley	3:20-cv-00990	US District Court for District of Delaware (Resident of TX, used product in TX)	1:19-cv-02226
Chapa, Alex	3:20-cv-00992-VC	US District Court for District of Delaware (Resident of TX, used product in TX)	1:19-cv-02226
Cook, Arnedra	3:20-cv-00993-VC	US District Court for District of Delaware (Resident of TX, used product in TX)	1:19-cv-02226
Gibson, Mary	3:20-cv-00994-VC	US District Court for District of Delaware (Resident of TX, used product in TX)	1:19-cv-02226
Girard, Josephine	3:20-cv-00995	US District Court for District of Delaware (Resident of TX, used product in TX)	1:19-cv-02226

Helm, Judy	3:20-cv-00997	US District Court for District of Delaware (Resident of TX, used product in TX)	1:19-cv-02226
Howell, Randell	3:20-cv-00998	US District Court for District of Delaware (Resident of TX, used product in TX)	1:19-cv-02226
Moody, Jo	3:20-cv-01002-VC	US District Court for District of Delaware (Resident of TX, used product in TX)	1:19-cv-02226

All of the above cases are included in the Proposed Order filed with this Joint Case Management Statement and Litigation Plan.

V. *Gebeyehou v. Monsanto.*

The parties continue to mediate and will provide an update on the status of the mediation at the upcoming case management conference.

DATED: December 2, 2020

Respectfully submitted,

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MONSANTO COMPANY

CERTIFICATE OF SERVICE

I certify that, on December 2, 2020, service of the foregoing Joint Case Management Statement and Litigation Plan was accomplished pursuant to the Court's electronic filing procedures by filing this document through the ECF system.

By: /s/ Brian L. Stekloff
Brian L. Stekloff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: ROUNDUP PRODUCTS
LIABILITY LITIGATION

)
) MDL No. 2741
)
) Case No. 3:16-md-02741-VC
)
) **[PROPOSED] ORDER GRANTING**
) **JOINT REQUEST FOR REVISED**
) **SCHEDULE FOR WAVE 3 CASES AND**
) **ADDITION OF CASES TO WAVE 3**
)

This document relates to:
ALL ACTIONS

THIS MATTER came before the Court based on the Court's order for a revised schedule for Wave 3 cases. Having reviewed the proposed schedule and finding good cause shown, the Court GRANTS the parties' proposed schedule for Wave 3 cases as detailed below and designates the following as part of Wave 3.

Wave 3 Schedule:

Event	Date
Plaintiff Fact Sheets (including all relevant authorizations) due for any plaintiffs who have not yet provided them.	14 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.	14 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.	6/15/2021
Plaintiffs' expert reports due.	6/29/2021
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.	7/6/2021
Monsanto's expert reports due.	8/6/2021
Close of expert discovery.	9/8/2021
Monsanto's <i>Daubert</i> and summary judgment briefs due.	9/22/2021
Plaintiffs' opposition and cross-motions re: <i>Daubert</i> and summary judgment due.	10/6/2021

Monsanto's oppositions and replies re: <i>Daubert</i> and summary judgment due.	10/20/2021
Plaintiffs' replies re: <i>Daubert</i> and summary judgment due.	11/3/2021
<i>Daubert</i> hearing (if necessary).	12/10/2021

The Wave 3 cases shall be as follows:

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-05367	USDC Eastern District PA
Cross, Judy	3:20-cv-08245	USDC Western District PA
Giri, Meena	3:20-cv-04750	USDC Eastern District PA
Holmen, David	3:20-cv-05040	USDC Eastern District PA
Johnson, Frederick	3:17-cv-05160	USDC Eastern District PA
Johnson, Jeffrey	3:18-cv-00504	USDC Eastern District PA
Johnson, Melvin	3:19-cv-01244	USDC Eastern District PA
Karamichalakos, Amani	3:19-cv-07570	USDC Eastern District PA
Kelly, Diane	3:19-cv-08091	USDC Eastern District PA
Kirsch, John	3:19-cv-08091	USDC Eastern District PA
Kreitzer, Tyrone	3:19-cv-04648	USDC Middle District PA
Kuckenbrod, Roger	3:19-cv-04649	USDC Middle District PA
Mancini, Denise	3:17-cv-07257	USDC Western District PA
Manuel, Leon	3:19-cv-04125	USDC Eastern District PA

1	Bordner, Karen	3:20-cv-01640	USDC Eastern District PA
2	Miller, Loretta	3:20-cv-00599	USDC Western District PA
3	Modafferi, John	3:19-cv-04645	USDC Middle District PA
4	Pettinati, Marlene A.	3:17-cv-05988	USDC Eastern District PA
5	Bowen, Kim	3:20-cv-06773	USDC Eastern District PA
6	Pryor, John	3:20-cv-03370	USDC Eastern District PA
7	Ricke, Lawrence J.	3:19-cv-04646	USDC Middle District PA
8	Savory, Carl	3:20-cv-02403	USDC Eastern District PA
9	Schaffner, Jr., David	3:19-cv-07526	USDC Western District PA
10	Schieber, Joseph	3:19-cv-05343	USDC Middle District PA
11	Schroeder, Frederick N	3:20-cv-06126	USDC Eastern District PA
12	Shifflett, Kenneth	3:19-cv-04647	USDC Middle District PA
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15	Spector, Beth	3:20-cv-05532	USDC Eastern District PA
16	Troutman, Paul	3:19-cv-06093	USDC Middle District PA
17	Vosper, Ira	3:19-cv-05525	USDC Eastern District PA
18	Webster, Cara	3:20-cv-01420	USDC Western District PA
19	Wigglesworth, Maurice	3:19-cv-07864	USDC Eastern District PA
20	Wiley, Rufus	3:20-cv-05773	USDC Eastern District PA
21	Wiltrout, Robert	3:19-cv-04643	USDC Middle District PA
22	Chappell, Linda	3:20-cv-08168	USDC Western District PA
23	Dooley, Lisa	3:20-cv-07881	USDC Eastern District PA
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Hernandez, Sweedney	3:20-cv-08050	USDC Eastern District PA
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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
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

Plaintiff's Name	MDL Case No.	Transferor Court
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
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
Blair, Joseph	3:19-cv-07984	USDC Eastern District TX

Additional Wave 3 Cases:

Plaintiff's Name	MDL Case No.	Transferor Court
Smith, Ricky	3:19-cv-2168	USDC Northern District of IL (Resident of TX, used product in TX)
Roach, Joan	3:20-cv-0062	USDC Eastern District of MO (Resident of TX, used product in TX)

Bailey, Beverly	3:19-cv-6071	USDC Eastern District of MO (Resident of PA, used product in PA)
Baumgartner, Helen	3:20-cv-00872	USDC District of DE (Resident of PA, used product in PA)
Hutzel, William	3:20-cv-00926	USDC District of DE (Resident of PA, used product in PA)
Hamill, Robert	3:20-cv-00907	USDC District of DE (Resident of TX, used product in TX)
Wright, Sharon	3:20-cv-01038	USDC District of DE (Resident of TX, used product in TX)
Adcock, Richard	3:20-cv-00988	USDC District of DE (Resident of TX, used product in TX)
Calhoun, Dudley	3:20-cv-00990	USDC District of DE (Resident of TX, used product in TX)
Chapa, Alex	3:20-cv-00992	USDC District of DE (Resident of TX, used product in TX)
Cook, Arnedra	3:20-cv-00993	USDC District of DE (Resident of TX, used product in TX)
Gibson, Mary	3:20-cv-00994	USDC District of DE (Resident of TX, used product in TX)
Girard, Josephine	3:20-cv-00995	USDC District of DE (Resident of TX, used product in TX)
Helm, Judy	3:20-cv-00997	USDC District of DE (Resident of TX, used product in TX)

Howell, Randell	3:20-cv-00998	USDC District of DE (Resident of TX, used product in TX)
Moody, Jo	3:20-cv-01002	USDC District of DE (Resident of TX, used product in TX)

Date: _____, 2020

HONORABLE VINCE CHHABRIA
UNITED STATES DISTRICT COURT