

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In re: Syngenta Litigation

Case Type: Civil Other
Honorable Thomas M. Sipkins

This Document Related to: ALL ACTIONS

File No.: 27-CV-15-3785

JOINT PROPOSAL

Pursuant to the parties' (each of the parties is referred to individually as a "party" and collectively as the "parties") October 27, 2015 Proposed Agenda, the parties have extensively met and conferred and jointly submit this proposal.

Proposed Stipulation And Order Regarding Page Limits Regarding Syngenta's Motion To Dismiss. The parties have proposed an agreed-upon Proposed Stipulation And Order Regarding Page Limits Regarding Syngenta's Motion To Dismiss, which is attached as Exhibit A to this Proposal.

Proposed Stipulation Regarding Procedure For Dismissing Certain Plaintiffs. The parties have proposed an agreed-upon Proposed Stipulation Regarding Procedure For Dismissing Certain Plaintiffs, which is attached as Exhibit B to this Proposal.

Date: October 29, 2015

Respectfully Submitted by:

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EXHIBIT A

In re: Syngenta Litigation

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File No.: 27-CV-15-3785

**ORDER REGARDING PAGE LIMITS ON
BRIEFING**

On September 25, 2015, the Court entered Scheduling Order No. 1, ordering the parties to “meet and confer on the page limits to apply for the various motions to dismiss and file a proposed stipulation and order with the Court for its review and approval.” On October 2, 2015, plaintiff filed (1) a consolidated non-class master complaint for producers and non-producers across all fifty states (spanning 350 pages and invoking over 200 separate counts); and (2) a consolidated class action master complaint of Minnesota producers and Minnesota non-producers (spanning 89 pages). Syngenta’s motion to dismiss will address plaintiffs’ causes of action arising under the laws of 22 different states.¹

Pursuant to Scheduling Order No. 1, Syngenta’s motion to dismiss is due on November 9, 2015. Syngenta intends to file a combined Motion to Dismiss directed at both the non-class master complaint and the class action master complaint. Plaintiffs intend to file a single opposition to such motion, and Syngenta intends to file a single reply.

The parties have met and conferred regarding page limits and stipulated to the following page limits, which the Court hereby orders:

¹ Pursuant to Scheduling Order No. 1, “all proceedings in cases (currently pending and future-filed) brought by plaintiffs who do not reside in one of the 22 states currently at issue in the federal MDL are deferred pending further Order of this Court.”

- (1) Defendants' Motion to Dismiss shall be limited to 130 pages;
- (2) Plaintiffs' opposition thereto shall be limited to 200 pages; and
- (3) Defendants' reply to the opposition shall be limited to 70 pages.

IT IS SO ORDERED

Dated: _____, 2015

JUDGE THOMAS M. SIPKINS

EXHIBIT B

In re: Syngenta Litigation

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Honorable Thomas M. Sipkins

File No.: 27-CV-15-3785

**ORDER REGARDING THE PROCESS
FOR THE DISMISSAL OF CASES FILED**

More than 30,000 individuals have filed suit in more than 1,500 distinct complaints, and have all seen their cases consolidated into this action. To achieve efficiency, the parties have negotiated, and the Court has entered, an order requiring the Plaintiffs Steering Committee to file a Master Complaint, to which an individual Plaintiff may file by November 19, 2015 a Notice to Conform. In this way, the Court will need to adjudicate only one motion to dismiss, rather than thousands of individual such motions.

Certain issues have arisen concerning the complaints filed by a small number of the plaintiffs who have filed suit. Specifically, (1) the federal MDL Court was advised of less than a handful of Plaintiffs who appear to have filed suit both in the federal MDL proceeding and in this proceeding; (2) some Plaintiffs' claims have been filed with minor typographical errors that require revision; (3) acquisition of FSA Form 578s have demonstrated the need to amend the complaint to appropriately state the legal representative of the farming entity named as a plaintiff; and (4) some Plaintiffs, having originally authorized their counsel to proceed on their behalf, have subsequently communicated a desire to voluntarily dismiss their lawsuits. The parties have met and conferred concerning these issues, have reached agreements concerning the most efficient manner in which to remedy the same, and have agreed on this order.

Upon consideration of this matter, the Court hereby orders as follows:

I. Amending the Caption and/or Exhibit A Thereto

(1) With respect to any Plaintiff whose complaint requires amendment, counsel shall file monthly, if necessary, beginning on November 12, 2015, a single Stipulated Consolidated Motion to Amend Various Captions and/or Exhibit A to Such Captions, including the correct identifying information and identifying the proposed change to the captions and/or Exhibit A thereto, provided however, that for all such filings after November 19, 2015, such corrected information shall also be included in a Notice to Conform to be filed with the proposed stipulation.

(2) With respect to each Plaintiff listed as a party on a Complaint in which amendments are made to the individual's name, their title, or the representative of an entity, the substantive allegations of the original complaint shall remain operative and in effect until the Notice to Conform is filed, at which the Plaintiffs' Master Complaint for Producers and Non-Producers (Non-Class) shall become the operative complaint.

Should any Bellwether Discovery Plaintiff (as that term is defined in the Court's Bellwether Selection Order) submit an amendment that identifies additional plaintiffs or substitutes party plaintiffs, or should one or more additional class representatives be named in the Master Class Complaint, Defendants shall have the right to supplemental discovery, including from the additional plaintiff(s)/representative(s), regardless of whether or not discovery of the originally-named Bellwether Discovery Plaintiff or class representative is already complete.

II. Voluntary Dismissals

- (1) With respect to any Plaintiff who seeks to be dismissed, Plaintiffs' counsel shall serve monthly, if necessary, beginning on November 12, 2015, a single Notice to Dismiss, identifying the exact manner in which the Plaintiff was identified in the original complaint, and the original civil action number of that complaint, together with any subsequent civil action number assigned to any such complaint in which said plaintiff was included.
- (2) With respect to any such Notice to Dismiss, the parties shall confer, and submit to the Court within twenty-one (21) days of service of the Notice to Dismiss a Consolidated Stipulation of Dismissal, pursuant to Minn. R. Civ. P. 41.01(a), attaching the single Notice to Dismiss as an exhibit thereto, and attaching a single Order of Dismissal, through which the Court can formally dismiss in a single order those parties whose claim is dismissed
- (3) The parties are ordered to continue to confer monthly concerning this issue and to periodically submit such Stipulations of Dismissal when necessary in order to keep the pleadings in this matter up-to-date, and accurate.

IT IS SO ORDERED

Dated: _____, 2015

JUDGE THOMAS M. SIPKINS