

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

In re: Syngenta Litigation

This Document Related to: ALL ACTIONS

Case Type: Civil Other
Honorable Thomas M. Sipkins

File No.: 27-CV-15-3785

**ORDER APPROVING NOTICES TO
CONFORM**

WHEREAS, On September 25, 2015, the Court entered Scheduling Order No. 1, which held that “[a]ny plaintiff wishing to join in one of the consolidated master complaints shall file a notice to conform” and further required that “[o]n or before October 9, 2015, the parties shall meet and confer on a form of notice to conform and a deadline for plaintiffs to file said notice to conform”;

WHEREAS, in accordance with that Order and the Court’s subsequent October 13, 2015 Order, the parties have jointly submitted for the Court’s consideration two proposed Notices to Conform and have jointly proposed November 19, 2015 as a deadline for Plaintiffs to file and serve Notices to Conform;

NOW, THEREFORE, IT IS ORDERED that the parties’ proposed Notice to Conform to Plaintiffs’ Non-Class Master Complaint for Producer Plaintiffs, attached hereto as Exhibit A, and a proposed Notice to Conform to Plaintiffs’ Non-Class Master Complaint for Non-Producer Plaintiffs, attached hereto as Exhibit B, are hereby approved and that the deadline for Plaintiffs to file Notices of Conform is November 19, 2015. The Court further orders that the following procedures for the Notices to Conform shall be adopted:

1. For purposes of the Notices to Conform and all other orders of the Court, the term “Producer” shall mean:

an owner, operator, landlord, waterlord, tenant, or sharecropper, who shares in the risk of producing corn and who is entitled to share in the corn crop available for marketing from the farm, as reflected in FSA Form 578, or who is paid cash rent by a farmer for use of his or her land.

The term “Non-Producer” shall mean all Plaintiffs who are not Producers.

2. The Non-Class Master Complaint shall be deemed to amend the individual claims of any Plaintiff who files a Notice to Conform to the Non-Class Master Complaint. Upon service of the Notice to Conform upon Defendants, the amendment of the constituent case to conform to the Non-Class Master Complaint shall be deemed to have been served. Any responsive pleading filed by the Defendant to the Non-Class Master Complaint, whether filed before or after a Notice to Conform by the Plaintiff is filed, shall apply. If a Plaintiff’s constituent complaint names a Defendant that is not named in the Non-Class Master Complaint, then the absent Defendant shall be deemed to have been voluntarily dismissed without prejudice pursuant to Rule 41 of the Minnesota Rules of Civil Procedure. If a Defendant is named in the Non-Class Master Complaint who is not named in the constituent case, by filing a Notice to Conform, the Plaintiff shall be deemed to have added that Defendant to their constituent case pursuant to Rule 21 of the Minnesota Rules of Civil Procedure. If a Plaintiff has not yet filed or served a Complaint, he or she may conform his or her complaint to the Non-Class Master Complaint by filing and serving a complaint and a Notice to Conform on or before November 19, 2015. Any Plaintiff who files suit after November 19, 2015 may conform his or her complaint by filing a Notice to Conform, provided, however, that any Order of the Court related to the Master Non-Class Complaint shall be binding and apply.

3. Plaintiffs have initiated service of the Master Non-Class and Master Class Complaints on the non-U.S. defendants through the Hague Convention, but do not anticipate service to be completed prior to the 60-day deadline set forth in Scheduling Order No. 1. Syngenta does not object to an extension of the deadline, and the deadline for service of the Master Non-Class Complaint and Master Class Complaint on the non-U.S. defendants is hereby extended until and including March 31, 2016. The parties anticipate that the non-U.S. defendants, once properly served under the Hague Convention, would join in the briefing and resulting Order on Defendants' Motions to Dismiss. Any Plaintiff who files a Notice to Conform in this proceeding shall be deemed to have served any foreign defendants upon proper service of the Non-Class Master Complaint, and any amendments thereto, pursuant to the Hague Convention, regardless of whether the Notice to Conform was filed before or after the Non-Class Master Complaint was served.

4. The Court does not intend to revisit issues that already have been decided in these consolidated proceedings. If a plaintiff who is not named in a Master Non-Class Complaint or Master Class Complaint and does not file a Notice to Conform, that does *not* exempt their individual case from the Court's Orders with respect to the Master Complaints. Any Orders issued by the Court that are directed to the Master Non-Class Complaint shall be deemed to apply to all cases to the extent the issues have the same subject-matter as the allegations, claims, and parties in the non-conforming cases. The failure to file an objection within 14 days of an Order explaining why that Order directed to the Master Non-Class Complaint should not apply to his or her non-conforming case, shall be deemed a waiver.

SO ORDERED this 30 day of October 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Thomas M. Sipkins", written over a horizontal line.

Thomas M. Sipkins
Judge of District Court

EXHIBIT A

	I. Violation of Minnesota Substantive Law Allegations	II. Resident State Allegations	State of Column H (III.) Allegations Listed (1-50)
Filing Date	YES	27	
			1. Alabama
			2. Alaska
			3. Arizona
			4. Arkansas
			5. California
			6. Colorado
			7. Connecticut
			8. Delaware
			9. Florida
			10. Georgia
			11. Hawaii
			12. Idaho
			13. Illinois
			14. Indiana
			15. Iowa
			16. Kansas
			17. Kentucky
			18. Louisiana
			19. Maine
			20. Maryland
			21. Massachusetts
			22. Michigan
			23. Minnesota
			24. Mississippi
			25. Missouri
			26. Montana
			27. Nebraska
			28. Nevada
			29. New Hampshire
			30. New Jersey
			31. New Mexico
			32. New York
			33. North Carolina
			34. North Dakota
			35. Ohio
			36. Oklahoma
			37. Oregon
			38. Pennsylvania
			39. Rhode Island

EXHIBIT A

		40. South Carolina
		41. South Dakota
		42. Tennessee
		43. Texas
		44. Utah
		45. Vermont
		46. Virginia
		47. Washington
		48. West Virginia
		49. Wisconsin
		50. Wyoming

EXHIBIT A

EXHIBIT B

I. Violation of Minnesota Substantive Law Allegations	II. Resident State Allegations	State of Column H (III.) Allegations Listed (1-50)
YES	27	1. Alabama 2. Alaska 3. Arizona 4. Arkansas 5. California 6. Colorado 7. Connecticut 8. Delaware 9. Florida 10. Georgia 11. Hawaii 12. Idaho 13. Illinois 14. Indiana 15. Iowa 16. Kansas 17. Kentucky 18. Louisiana 19. Maine 20. Maryland 21. Massachusetts 22. Michigan 23. Minnesota 24. Mississippi 25. Missouri 26. Montana 27. Nebraska 28. Nevada 29. New Hampshire 30. New Jersey 31. New Mexico 32. New York 33. North Carolina 34. North Dakota 35. Ohio 36. Oklahoma 37. Oregon 38. Pennsylvania 39. Rhode Island 40. South Carolina

EXHIBIT B

	41. South Dakota
	42. Tennessee
	43. Texas
	44. Utah
	45. Vermont
	46. Virginia
	47. Washington
	48. West Virginia
	49. Wisconsin
	50. Wyoming

EXHIBIT B