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

5 IN RE: ROUNDUP PRODUCTS  
6 LIABILITY LITIGATION

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

Hon. Vince Chhabria

7  
8 This document relates to:  
9 ALL ACTIONS

**BAUM HEDLUND ARISTEI &  
GOLDMAN, PC'S RESPONSE TO  
THE COURT'S AUGUST 27, 2020  
ORDER**

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12 Pursuant to the Court's August 27, 2020 Order BAUM, HEDLUND, ARISTEI  
13 & GOLDMAN, PC is filing a redacted version of a letter sent to the Court on August  
14 20, 2020 via email regarding settlement progress. The redactions were made at  
15 Monsanto's request. Since sending the letter, BAUM, HEDLUND, ARISTEI &  
16 GOLDMAN, PC entered into a fully executed and binding Master Settlement  
17 Agreement.<sup>1</sup>

18 DATED: September 14, 2020

Respectfully submitted,

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20 By: /s/ R. Brent Wisner  
21 R. Brent Wisner, Esq. (SBN: 276023)  
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24 GOLDMAN, P.C.  
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26 Counsel for Plaintiffs *Terri McCall; Peter*  
27 *Johansing; Lynda Patterson; Rex Gibbs;*

28 <sup>1</sup> If the Court would like the complete, unredacted version of the letter filed, Baum Hedlund respectfully request leave to file the document under seal.

*David Means; Eric Morris; Mary Olah; Vicky  
Porath; Christopher Roberts; Brian  
Rosenblatt; Mark Scheffer; Donald Smith*

**CERTIFICATE OF SERVICE**

I, R. Brent Wisner, hereby certify that, on September 14, 2020, I electronically filed the foregoing with the Clerk for the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to counsel of record.

/s/ R. Brent Wisner

R. Brent Wisner

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August 20, 2020

**VIA ELECTRONIC MAIL ONLY**

Hon. Vince Chhabria  
San Francisco Courthouse, Courtroom 4  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: *Confidential Status of Baum Hedlund Settlement Pursuant to Pretrial Order No. 216*

Dear Judge Chhabria:

This letter constitutes Baum, Hedlund, Aristei & Goldman, P.C.’s (“Baum Hedlund”) confidential response to Pretrial Order No. 216, which requested information about the status of settlement. Baum Hedlund is particularly sensitive to the importance of confidentiality in this litigation, especially in light of Pretrial Order No. 200, which reminded the parties that all “settlement discussions in this MDL are confidential and that the having reviewed the joint statement submitted by Monsanto and the Plaintiffs’ Co-Leads, Baum Hedlund—a member of the Plaintiffs’ Executive Committee—does not believe Monsanto has complied with Pretrial Order No. 216 or been sufficiently candid about the nature and scope of settlements. Should the Court wish to explore any of the following *in camera*, pursuant to a Rule 408 conference, I am available and willing to answer any questions or provide details.

- [REDACTED]
- On June 24, 2020, Bayer announced publicly that it entered into “a series of agreements that will substantially resolve major outstanding Monsanto litigation, including U.S. Roundup™ product liability litigation” and specifically stated that “[t]he resolved claims include all plaintiff law firms leading the Roundup™ federal multi-district litigation (MDL) or the California bellwether cases[.]”<sup>1</sup>

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<sup>1</sup> <https://media.bayer.com/baynews/baynews.nsf/id/Bayer-announces-agreements-to-resolve-major-legacy-Monsanto-litigation>

- As the Court knows, Michael L. Baum, of Baum Hedlund, is on the MDL Executive Committee and R. Brent Wisner, also of Baum Hedlund, is Co-Lead of the California Judicial Council Coordinate Proceeding (JCCP) in Alameda County. Baum Hedlund also played a leading role (along with the Miller Firm) in trying the *Johnson* and *Pilliod* cases and a supporting role in the *Hardeman* (along with Andrus Wagstaff, PC and the Moore Law Group) case, i.e., the “California bellwether cases” referenced in Bayer’s press release.

- [REDACTED]

- Prior to June 24, 2020, Baum Hedlund did not know any details of a proposed class action settlement to address future claims. [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

August 20, 2020

Page 3

[REDACTED]

- [REDACTED]

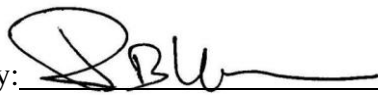
With this background, Baum Hedlund would like to restart litigation in earnest. To that end, Baum Hedlund intends to file motions seeking the following relief:

- 1. Reopening discovery:** [REDACTED]

- 2. Amended complaints:** [REDACTED]

- 3. Setting trial dates:** The only thing that motivates Monsanto to settle is trial—nothing else has a greater impact on their assessment of the risk of continued litigation. As such, Baum Hedlund will be filing a motion seeking: (1) the immediate ruling on all pending *Daubert* motions, (2) the immediate remand of all Wave 1 and 2 cases, (3) a ruling on the outstanding motion to remand in *Olah v. Monsanto Company, et al.* (3:20-cv-00129-VC) and, if denied, a trial date; and (4) setting trial before this Court (preferably as consolidated trials in light of COVID) to address all the cases that have proper venue in the Northern District of California.<sup>2</sup>

Sincerely,

By:   
R. Brent Wisner, Esq.

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<sup>2</sup> Previously, because Monsanto refused to consent to trial before this Court under *Lexicon*, there were only three cases this Court could, independently, set for trial (*Hardeman*, *Stevick*, and *Gebeyehou*). However, since then, Monsanto has removed several cases to this Court from Alameda County and, for some, the Plaintiffs are not seeking remand. Therefore, those cases are now properly before this Court and will need to be tried in the Northern District of California. By way of reference, Baum Hedlund has four such cases are is prepared to take one or all of them to trial by February 2021, if not sooner. (*Burcina*, 3:20-cv-04013-VC, *Galang*, 3:19-cv-06183-VC; *Gordillo*, 3:20-cv-02840-VC; *Luu*, 3:19-cv-06195-VC).