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**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

9 In advance of the December 13, 2021 Case Management Conference, Plaintiffs' leadership
10 and Monsanto's counsel hereby provide the following updates to the Court.

11 **I. Docket Overview**

12 Since the Court entered PTO 246 establishing the inactive docket, the parties have agreed that
13 2,340 cases, involving 2,361 plaintiffs, can be moved to the inactive docket and administratively
14 closed. 1,572 cases remain active in the MDL. On or before January 13, 2022, per PTO 246, the
15 parties will provide an updated list of additional cases that can be moved to the inactive docket.
16

17 **II. Status of Wave 3 Cases**

18 Eight cases remain pending in Wave 3 and briefing is complete:

- 19
- 20 • *Blair v. Monsanto Co.*, 19-cv-07984
 - 21 • *Chapman v. Monsanto Co.*, 20-cv-01277
 - 22 • *Denkins v. Monsanto Co.*, 20-cv-03301
 - 23 • *Garza v. Monsanto Co.*, 20-cv-06988
 - 24 • *Koen v. Monsanto Co.*, 20-cv-03074
 - 25 • *Schaffner v. Monsanto Co.*, 19-cv-07526
 - 26 • *Solis v. Monsanto Co.*, 20-cv-07391
 - 27 • *Vosper v. Monsanto Co.*, 19-cv-05525

28 **III. Status of *Mendoza v. Monsanto Company***

On December 9, 2021, the parties to *Yolanda Mendoza v. Monsanto Co.*, No. 3:16-cv-06046-
VC, a Wave 1 case, notified the Court that the case was in the process of being resolved and should be

1 added to the inactive docket. Since then, the Settlement Master noticed the Court that the stay is not
2 resolved. Plaintiff is now requesting that the case be removed from the inactive docket and remanded
3 to the Eastern District of California for further proceedings. Monsanto does not oppose this request.
4

5 **IV. Update on Status of Motions to Dismiss**

6 Monsanto filed a motion to dismiss for failure to submit *any* PFS for five Plaintiffs on
7 November 29, 2021. ECF No. 14245. As of the date of this filing, one plaintiff has contacted Monsanto
8 to provide a PFS. The remaining four cases from Monsanto's November 29, 2021 motion should be
9 dismissed for failure to submit a PFS:

- 10 • *Virginia Brown v. Monsanto Co.*, 3:21-cv-04930
- 11 • *Duane Hutchinson v. Monsanto Co.*, 3:21-cv-04638
- 12 • *Lauren Montgomery v. Monsanto Co.*, 3:21-cv-02547
- 13 • *Karis Yenzler (Estate of Douglas W. Yenzler) v. Monsanto Co.*, 3:21-cv-04639

14
15 In addition, on November 2, 2021, the Court granted Monsanto's Motion to Dismiss For Failure
16 to Submit a PFS and entered an Order (ECF No. 14133) dismissing cases filed by Carrie Dula,
17 Florentina Guzman, J.P. Stewart, Brandi Hodgson Troxel, Susan Voke, and Frieda Giannone. Those
18 individuals were the subject of Monsanto's original motion. But in Monsanto's reply, it clarified that
19 its motion applies to only four of those individuals—Dula, Guzman, Voke, and Giannone, as well as
20 an additional individual, Nina Stewart. ECF No. 13928. Monsanto respectfully submits that the cases
21 for J.P. Stewart (3:20-cv-02415) and Brandi Troxel (3:21-cv-01215) should therefore be reopened, and
22 Nina Stewart's case (3:20-cv-00643) should be closed.
23
24

25 **V. Substitution of Counsel**

26 The Miller Firm has already informed the Court that Co-Lead Counsel Michael J. Miller, Esq.
27 passed away unexpectedly on November 24. Remaining Co-Lead Counsel and The Miller Firm request
28

1 that David Dickens of The Miller Firm be substituted in place of Michael Miller as Co-Lead Counsel.

2 A formal Motion requesting this substitution will be filed.

3 DATED: December 10, 2021

Respectfully submitted.

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MONSANTO COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of December, 2021, a copy of the foregoing was filed with the Clerk of the Court through the CM/ECF system which sent notice of the filing to all appearing parties of record.

By: /s/ Brian L. Stekloff

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