

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

IN RE: DICAMBA HERBICIDES) 1:18-md-2820 SNLJ
LITIGATION) ALL CASES

MOTION AND SUPPORTING MEMORANDUM TO DISMISS
MASTER CROP DAMAGE COMPLAINT CLASS CLAIMS

In light of a settlement agreement entered into by the Plaintiff's Executive Committee ("PEC") and Monsanto Company ("Monsanto"), Plaintiffs respectfully request that this Court dismiss the class claims currently pending the Crop Damage Master Complaint pursuant to Federal Rule of Civil Procedure 41(a), but leave individual claims pending. In support of this motion, Plaintiffs state as follows:

1. On August 1, 2018, Plaintiffs filed their Crop Damage Master Complaint in this matter. Docket No. 137 (the “Master Complaint”).
2. The Master Complaint asserts federal and state law claims on behalf of seventeen named plaintiffs both individually and on behalf of a Nationwide Soybean Producers Class and several state soybean producer classes.¹ *Id.* at ¶¶ 369-70.
3. On December 16, 2020, the Plaintiffs’ Executive Committee and Monsanto Company (“Monsanto”) entered into the Dicamba Herbicides Litigation Soybean Producers Master Settlement Agreement (the “Soybean Master

¹ Plaintiffs assert state classes on behalf of soybean producers in Arkansas, Illinois, Kansas, Mississippi, Missouri, South Dakota and Tennessee. Master Complaint ¶ 370.

Settlement”). The Soybean Master Settlement provides a mechanism, in lieu of litigation, for all eligible participants who elect to participate to resolve individual soybean injury claims.

4. As part of the Soybean Master Settlement, the PEC has agreed to dismiss all putative class action claims pending in this multidistrict litigation. All settling claimants will be releasing claims against Monsanto as well as the other named defendants in the Crop Damage Master Complaint.

5. In light of the opportunity provided by the Soybean Master Settlement for persons claiming soybean crop damages and the provisions therein, dismissal of all class claims is warranted.

6. Nothing in this motion is intended to, nor should it be construed to, dismiss the individual claims of any person listed in the Crop Damage Master Complaint.

7. This motion is filed with Monsanto’s consent.

WHEREFORE, Plaintiffs respectfully request that the Court enter an order dismissing all class claims from the Crop Damage Master Complaint and all other cases pending in this MDL but preserving all individual claims.

Date: December 22, 2020

Respectfully submitted,

By: /s/ Don M. Downing
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Plaintiffs' Executive Committee

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2020, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system on all counsel of record.

/s/ Don M. Downing