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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SCOTT KOLLER, et al.,  
Plaintiffs,  
v.  
MONSANTO COMPANY, et al.,  
Defendants.

Case No. 22-cv-04260-MMC

**ORDER GRANTING DEFENDANTS'  
MOTIONS TO DISMISS; DISMISSING  
COMPLAINT WITH LEAVE TO  
AMEND; CONTINUING CASE  
MANAGEMENT CONFERENCE**

United States District Court  
Northern District of California

Before the Court are two motions, filed September 23, 2023: (1) defendants Monsanto Company and Bayer CropScience LP's "Motion to Dismiss Plaintiffs' Complaint"; and (2) defendant The Scotts Company LLC's "Motion to Dismiss Plaintiffs' Complaint." The motions came on regularly for hearing on February 10, 2023. David J. Wool of Wool Trial Law LLC, Seth A. Safier of Gutride Safier LLP, and Kali R. Backer of Gutride Safier LLP appeared on behalf of plaintiffs. John J. Rosenthal of Winston & Strawn LLP appeared on behalf of Monsanto Company and Bayer CropScience LP. Jeffrey J. Jones of Jones Day appeared on behalf of The Scotts Company LLC.

Having read and considered the parties' respective written submissions, and having considered the oral arguments made by counsel, the Court, for the reasons stated on the record at the hearing, hereby GRANTS the motions, and the Complaint is hereby DISMISSED with leave to amend.<sup>1</sup> Plaintiffs' amended complaint shall be filed no later than March 10, 2023.

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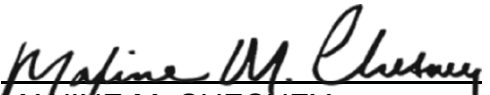
<sup>1</sup> The dismissal includes plaintiffs' claims against defendant Seamless Control LLC. See Silverton v. Dep't of Treasury, 644 F.2d 1341, 1345 (9th Cir. 1981) (holding, where court grants motion to dismiss as to moving defendants, court may dismiss claims against non-moving defendant "in a position similar to that of moving defendants").

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In light of the above, the Case Management Conference is hereby CONTINUED from March 31, 2023, to August 4, 2023, at 10:30 a.m. A Joint Case Management Statement shall be filed no later than July 28, 2023.

**IT IS SO ORDERED.**

Dated: February 10, 2023

  
MAXINE M. CHESNEY  
United States District Judge

United States District Court  
Northern District of California