

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS
LIABILITY LITIGATION

This document relates to:

Walter Watson v. Monsanto Co.,
Case No. 18-cv-2100-VC

George Smith v. Monsanto Co.,
Case No. 18-cv-3757-VC

MDL No 2741

Case No. 16-md-02741-VC

**ORDER GRANTING MOTIONS TO
SET ASIDE JUDGMENT**


Re: Dkt. Nos. 15535, 15536

The requests by Watson and Smith for an indicative ruling under Rule 62.1 are granted. If the cases were remanded, the Court would grant the motions to set aside the judgment. There is no question that attorney negligence caused judgment to be entered against Watson and Smith. However, in the context of this massive, complicated MDL, their neglect is excusable. Although the attorneys certainly should have noticed that the show cause order included Watson and Smith's cases, it is difficult to keep track of orders issued in an MDL of this magnitude. Indeed, there are currently over 15,000 docket entries in this MDL. Moreover, there is no indication that lead plaintiffs' counsel made any effort to notify counsel for Watson and Smith of the impending dismissal of their clients' claims. Ideally, lead plaintiffs' counsel should be taking a more proactive role in communicating with attorneys whose clients are on the verge of losing their cases on some procedural basis. Finally, special consideration is given here because Watson and Smith's counsel have resolved over 125 Roundup-related cases. *See* Dkt. No. 15535 at 11. This indicates that their counsel truly made an inadvertent, administrative mistake, and that they would properly handle these two cases if given another chance.

If the cases are remanded, counsel for Monsanto and for the lead plaintiffs are ordered to work with counsel for Watson and Smith to ensure that a litigation schedule is developed for these cases, and to ensure that Watson and Smith participate promptly in the mediation program.

IT IS SO ORDERED.

Dated: December 5, 2022



VINCE CHHABRIA
United States District Judge