

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE SYNGENTA MASS TORT ACTIONS

Judge David R. Herndon

This Document Relates to:

Tweet, et al. v. Syngenta AG, et al.
No. 3:16-cv-00255-DRH
Poletti, et al. v. Syngenta AG, et al.
No. 3:15-cv-01221-DRH, and

ORDER REGARDING ATTORNEY FEE SUBMISSIONS

This Order is entered with regard to the Fee and Expense Application of Heninger Garrison Davis, LLC, and its Co-Counsel (“fee motion”) (doc. 249). The fee motion arises from work on the group of lawsuits filed in multiple federal and state courts arising from Syngenta’s development and sale of corn seeds containing genetically modified traits known as MIR 162 and Event 5307 before China’s approval to import corn with those traits. These include:

- The multidistrict litigation (“MDL”) proceeding in the United States District Court for the District of Kansas, MDL No. 2591, before U.S. District Judge John W. Lungstrum and U.S. Magistrate Judge James P. O’Hara;

- *Tweet et al v. Syngenta AG et al*, No. 3:16-cv-00255, and *Poletti et al v. Syngenta AG et al*, No. 3:15-cv-01221, pending in the United States District Court for the Southern District of Illinois before U.S. District Judge David. R. Herndon; and
- *In re Syngenta Litigation*, No. 27-cv-15-3785, pending in the Minnesota Fourth Judicial District Court before Judge Laurie Miller.

Pursuant to Judge Lungstrum's Order which preliminarily approved class settlement (see District Court for the District of Kansas case no. 2:14-MD-2591-JWL-JPO, doc. 3532), motions and petitions for awards of attorney fees and expenses and for service/case contribution/incentive awards were due by July 10, 2018, with any responses to these motions/petitions due by October 17, 2018. In accordance with this directive, the law firm of Heninger Garrison Davis, LLC and its co-counsel filed its motion for fees on July 10th (doc. 349).

The Judges on the Syngenta matters, Judge Lungstrum, Judge Herndon, and Judge Miller, have all agreed to the following deadlines for any fee motions filed in their respective courts to meet the objectives of consistency and expediency. The following deadlines contained in this Order preempt any default deadlines or any deadlines previously set. Accordingly, the Court orders as follows:

1. The October 17 deadline for responses to the fee motion is hereby vacated. Any responses to the fee motion shall be filed by **August 17, 2018**, with any reply briefs filed by **September 17, 2018**. These deadlines will allow

sufficient time for the issues to be fully briefed and considered before the final approval hearing.

2. The Court appreciates the thorough submission by counsel with respect to their fee requests. However, the Court is requiring completion and submission of Excel spreadsheets so that certain basic fee and expense information can be presented to the Court and Special Masters in standardized summary format that will facilitate review and evaluation of hours and expense data. Review will not be limited to the information submitted on these forms; information previously submitted in the fee motion will be considered, and counsel are also free to submit with their reply briefs any additional information they believe is relevant to determining (a) what portion of the Settlement Amount should be allocated to attorney fees and expenses and (b) the appropriate allocation of that amount among plaintiffs' counsel.

Accordingly, the fee motion (doc. 249) filed with this Court, shall be supplemented by **August 3, 2018**, as follows. Petitioners shall complete and submit an Excel spreadsheet in the form attached hereto as Appendix A (an electronic copy of which will be posted in Excel form on the District Court for the District of Kansas' webpage for the Syngenta MDL). Petitioners should provide information on a firmwide basis for each category of timekeeper (attorneys, contract attorneys, non-attorneys), without breaking down that information by individual timekeeper. Petitioners should also be sure to complete both of the spreadsheet's "sheets" (one for fees, the other for expenses). Each petitioner

should (a) file (through ECF) a printout of its spreadsheet in PDF form and (b) submit an electronic copy of its spreadsheet in Excel form by email to the Special Masters.

IT IS SO ORDERED.

  **Judge Herndon**
2018.07.18
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United States District Judge