

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

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IN RE SYNGENTA MASS TORT ACTIONS

Judge David R. Herndon

This Document Relates to:

Poletti et al. v. Syngenta AG et al. No. 3:15-cv-01221-DRH

Brase Farms, Inc. et al. v. Syngenta AG et al.
No. 3:15-cv-01374-DRH

Wiemers Farms, Inc. et al v. Syngenta AG et al.
No. 3:15-cv-01379-DRH

ORDER

HERNDON, District Judge:

Thousands of lawsuits have been filed in various 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 (used in products called Viptera and Duracade) before China's approval to import corn with that trait. Some 800 federal cases are pending in a multidistrict litigation ("MDL") proceeding in the United States District Court for the District of Kansas, captioned *In re Syngenta AG MIR162 Corn Litigation*, MDL Docket No. 2591, before U.S. District Judge John W. Lungstrum and U.S. Magistrate Judge James P. O'Hara. Lead counsel in those cases seek to certify a national class action which would include virtually every corn farmer in America. Three additional

federal actions, involving more than 2,800 plaintiffs, are pending in the United States District Court for the Southern District of Illinois before U.S. District Judge David R. Herndon. Approximately 2,375 cases, involving over 20,000 plaintiffs, are pending in the Fourth Judicial District of Hennepin County, Minnesota, and consolidated before Judge Thomas M. Sipkins in a case captioned *In re Syngenta Litigation*, No. 27-cv-15-3785. In addition, about 200 cases are pending in the Illinois First Judicial Circuit Court before Judge Brad K. Bleyer.

With counsel having been informed in advance, the presiding judges in these cases have conferred informally and determined that it would be beneficial to appoint a Special Master at the expense of the parties to vigorously and systematically explore settlement of all the cases in all of the courts in which they are pending at the same time those cases proceed toward trial on a traditional litigation track. Accordingly, by **March 11, 2016**, counsel for all parties in these cases are ordered to confer in good faith and then provide input to the Courts on appointment of a single Special Master. Specifically, the parties shall file in each case (or if consolidated, in the lead case) a joint statement proposing an individual to be appointed Special Master. If all of the parties cannot agree on a proposed Special Master, then for each of the Courts up to three nominations may be provided by plaintiffs as a group, up to three nominations may be submitted by all of the Syngenta defendants as a group, and ADM and Cargill (who are uniquely situated) may make one joint nomination. All nominations must include a statement of the candidate's experience, qualifications, and billing

rates. Thereafter, the Courts will decide upon appointment of the Special Master.

IT IS SO ORDERED.

Signed this 25th day of February, 2016.


Digitally signed by
Judge David R.
Herndon
Date: 2016.02.25
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United States District Judge