

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

YVETTE A. D'AUNOY

CIVIL ACTION

VERSUS

NO. 19-13594

MONSANTO COMPANY,
HARRY'S HARDWARE, INC.,
and OHIO SECURITY
INSURANCE COMPANY

SECTION M (3)

ORDER & REASONS

On November 20, 2019, defendant Monsanto Company (“Monsanto”) filed a motion to stay this matter pending a ruling from the Judicial Panel on Multidistrict Litigation (“MDL panel”) regarding the potential transfer of this case to the Roundup[®] multidistrict litigation, which motion was set for submission on December 5, 2019.¹ Local Rule 7.5 of the United States District Court for the Eastern District of Louisiana requires that a memorandum in opposition to a motion must be filed no later than eight days before the noticed submission date, which in this case was November 27, 2019. Plaintiff, who is represented by counsel, has not filed a memorandum in opposition to Monsanto’s motion to stay.

Accordingly, because the motion to stay is unopposed, and it appearing to the Court that the motion has merit,²

¹ R. Doc. 8.

² Plaintiff objected to the MDL transfer and filed an emergency motion to remand arguing that this Court should act on her motion before the MDL panel determines whether the case should be transferred. R. Doc. 6. However, in another Roundup[®] case where the plaintiff objected to transfer on the basis of a forthcoming motion to remand, the MDL panel held that “such jurisdictional issues generally do not present an impediment to transfer,” because “transfer of an action is appropriate if it furthers the expeditious resolution of the litigation taken as a whole, even if some parties to the action might experience inconvenience or delay,” and the “[p]laintiff can present [her] remand arguments to the transferee judge.” R. Doc. 8-7 at 2-3 (order of MDL panel transferring *Cichy v. Bayer Corp.*, Civil Action No. 19-2548 (N.D. Ill.)). Thus, plaintiff’s motion to remand is not an impediment to transfer to the Roundup[®] MDL, and it is appropriate to stay this case pending the decision of the MDL panel.

IT IS ORDERED that Monsanto's motion to stay is GRANTED as unopposed, and this matter is STAYED pending a ruling from the MDL panel regarding the potential transfer of this case to the Roundup[®] multidistrict litigation.

New Orleans, Louisiana, this 2nd day of December, 2019.


BARRY W. ASHE
UNITED STATES DISTRICT JUDGE