

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

B&L FARMS, et al.,)	
)	MDL No. 1:18-md-2820-SNLJ
Plaintiffs,)	
)	Indiv. Case No. 4:17-cv-2418-SNLJ
v.)	
)	
MONSANTO COMPANY, et al.,)	
)	
Defendants.)	

MEMORANDUM and ORDER

Plaintiffs are crop growers and an herbicide applicator in Arkansas who filed this lawsuit against defendants Monsanto Company, BASF Corporation, and BASF SE in Arkansas state court. Defendants removed the matter to federal court in Arkansas and then successfully moved to transfer the matter to the Eastern District of Missouri, where the Multi-District Litigation (“MDL”) *In re: Dicamba Herbicides Litigation*, No. 1:18md2820, was pending. The MDL is now winding down, as most plaintiffs involved in the case have settled with defendants. Because the plaintiffs in this case bring related but substantively different claims against defendants, their claims are not covered by the global settlement entered into by defendants and most plaintiffs involved in the MDL. As a result, litigation in this case has begun again. Plaintiffs seek to remand this case back to the Eastern District of Arkansas [Doc. 86]. Defendants oppose the motion to remand.

Plaintiffs seek remand back to the Eastern District of Arkansas, which is where this matter was pending before it was transferred to this Court and the MDL. Notably,


Monsanto did not move to transfer the matter to this Court because of the pending MDL. Rather, Monsanto moved to transfer the case under 28 U.S.C. § 1404(a) because the grower plaintiffs and Monsanto had agreed upon this District as a forum in the MTSA. Plaintiffs opposed the motion and argued that the forum selection clause in the MTSA was unconscionable. Judge Marshall granted the motion to transfer, noting that the forum selection clause was “reasonable, not unconscionable.” [Doc. 41]

Despite this procedural history, plaintiffs now move to transfer the matter back to the Eastern District of Arkansas because the “other parties in this Multidistrict Litigation have settled, [so] there is no reason for this case to remain in Missouri.” [Doc. 86.] Monsanto opposes the motion for the same reasons it sought to transfer this matter to this Court to begin with: the plaintiffs agreed to pursue their claims in the Eastern District of Missouri. The MDL’s winding down is irrelevant. This Court will not override the parties’ clear contractual language.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs’ motion to remand [Doc. 86] is DENIED.

Dated this 28th day of September, 2022.


STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE