

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 CITY OF SEATTLE,

9 Plaintiff,

Case No. C16-107-RAJ-MLP

10 v.

ORDER

11 MONSANTO COMPANY, *et al.*,

12 Defendants.

13  
14 This matter comes before the Court on the parties' submission of numerous motions to  
15 exclude expert testimony for failure to satisfy *Daubert* (dkt. ## 274, 276, 278, 280, 282, 284,  
16 288, 292, 297, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320) and Plaintiff's  
17 submission of motions to strike supplements to Defendants' expert reports (dkt. ## 286, 290).  
18 Based on the technical and highly complex nature of the underlying subject matter in this case,  
19 the Court finds that the presentation of a non-adversarial science tutorial by the parties would be  
20 beneficial to this Court's understanding of the parties' positions to adjudicate the pending  
21 *Daubert* and related motions.

22 The purpose of a science tutorial is not to test the evidence or weigh the strength of any  
23 particular scientific theory, but instead, to help the Court educate and familiarize itself with the

1 underlying science relevant to this litigation.<sup>1</sup> It is the Court's aim that the science tutorial  
2 remain neutral, informative, and non-adversarial to best prepare the Court to evaluate the validity  
3 and reliability of the parties' provided studies and expert testimony as required by *Daubert*. Such  
4 tutorial is expected to be informal, will take place off of the record, and will be taped over the  
5 Zoom format for the Court's use only. Any statements made during the science tutorial by either  
6 party will not be under oath nor binding in subsequent *Daubert* hearings or proceedings.

7 Accordingly, the parties are ORDERED to meet and confer and to file a joint proposal by  
8 **September 9, 2022**, that addresses the parameters of the Court's proposed science tutorial. The  
9 parties' joint proposal submission should take into consideration and provide suggestions  
10 regarding:

- 11 • The proposed format and length of time requested for the science tutorial  
12 presentation
- 13 • Whether the science tutorial presentation should be presented by counsel on  
14 behalf of each party, one or more experts selected jointly or separately by the  
15 parties, or in some other proposed combination format
- 16 • The scope of topics to be addressed by the science tutorial presentation given the  
17 parties' pending *Daubert* motions
- 18 • Any other relevant information the parties believe would assist the Court in  
19 structuring and planning the science tutorial presentation

20 The Court's Courtroom Deputy will contact the parties to schedule a date and time for the  
21 science tutorial presentation, which this Court presently expects to occur sometime in early  
22

---

23 <sup>1</sup> See Melissa J. Whitney, *Tutorials on Science and Technology 2* (Federal Judicial Center 2018),  
available at: [https://www.fjc.gov/sites/default/files/materials/02/Tutorials\\_Science\\_Technology\\_2018.pdf](https://www.fjc.gov/sites/default/files/materials/02/Tutorials_Science_Technology_2018.pdf)  
(last visited Aug. 31, 2022).

1 **October 2022** and not to exceed the length of one court day. The Clerk is directed to send copies  
2 of this Order to the parties and to the Honorable Richard A. Jones

3 Dated this 31st day of August, 2022.

4 

5 

---

MICHELLE L. PETERSON  
6 United States Magistrate Judge  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23