

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-22-00232-CV

**IN RE BAYER CROP SCIENCE L.P., MONSANTO COMPANY,
AND BASF CORPORATION**

Original Proceeding
60th District Court of Jefferson County, Texas
Trial Cause No. B-207,748

MEMORANDUM OPINION

Bayer Crop Science L.P., Monsanto Company, and BASF Corporation, Relators, filed a mandamus petition to enforce a mandatory venue provision in a lawsuit brought by the Real Parties in Interest, fifty-seven vineyard owners and four grape processors who allege that separate dicamba-based herbicides designed, developed, and manufactured by Monsanto and BASF for use on cotton and soybean crops migrated from the cotton fields where they were applied and damaged their

vineyards.¹ See Tex. Civ. Prac. & Rem. Code Ann. § 15.0642. Relators also challenged the trial court's order denying their motion to transfer venue in an

¹The plaintiffs named in the Plaintiffs' Original Petition include: Andy Timmons, Inc. d/b/a Lost Draw Vineyards, Alegria de la Vida Vineyards, LLC, Alta Loma Vineyard Partnership, Benjamin Friesen, Bingham Family Vineyards, LLC, Rowdy Bolen and Tameisha Bolen, Bueno Suerte Vineyards, LLC, Castano Prado Vineyard, LLC, Mike West d/b/a Challis Vineyards, Chase Lane and Kendra Lane d/b/a Chase Lane Vineyard, Gary Steven Brown and Pamela Joyce Brown d/b/a Cooper Vineyard, Russell Smothermon and Sharlann Smothermon d/b/a Corkscrew Vineyard, Cornelious Corporation, Cox Family Winegrowers, LLC d/b/a Cox Family Vineyards, LT Investment Group, LLC d/b/a Crazy Cluster Vineyard, Mary Mckee d/b/a Curvo Fila Vineyard, Daniels Farmland Trust, Ty Wilmeth d/b/a Diamante Doble Dos Vineyards, Jeter and Gay Wilmeth d/b/a Diamante Doble Vineyard, Larry Smith and Sue Smith d/b/a Dog Gone Vineyard, Donna Burgess Enterprises, LLC d/b/a My Covenant, Dwayne Canada, Brenda Canada, and Daniel Canada d/b/a Canada Family Vineyard, Sawyer Farm Partnership d/b/a The Family Vineyard, Lonnie Graham and Penny Graham d/b/a Five Star Vineyard, Dustin Gilliam and Glenda Gilliam d/b/a Gilliam Gap Vineyards, Gillmore Brothers, LP d/b/a Gillmore Brothers Vineyard, Andis Applewhite d/b/a Half Circle Cross Vineyard, La Pradera Vineyards, LLC, Lahey Farms, LLC, Lilli of the Vine Vineyards, Inc., AA Martin Partners, Ltd., Peggy Seeley and George Seeley d/b/a Moonlight Vineyards, Narra Vineyards, LLC, Hilltop Winery at Paka Vineyards, LLC, Peggy Bingham d/b/a Peggy Bingham Farms, Tony Phillips and Madonna Phillips d/b/a Phillips Vineyard, Reddy Vineyards, Inc., Rowland Taylor Vineyards, LLC, Clara Ann McPherson d/b/a Sagmor Vineyards, Charles and Cheryl Seifert d/b/a Seifert Stables & Vineyards, Six Harts Vineyard, LLC, The Tom and Janice Henslee Living Trust, Doug Thomas and Anissa Thomas d/b/a Thomas Acres, Tony and Bertha Hendricks d/b/a Hendricks Family Vineyard, Carolyn Keane, Anna Winnell Young and Marjorie Jones Partnership d/b/a Tucker Farms, Twin-T Vineyards, Inc., Joe Riddle d/b/a Uva Morado Vineyard, Ronald Luker and Margaret Luker d/b/a White Rock Vineyards, Williams Ranch Vineyard, LLC, Larry Young d/b/a Young Family Vineyards, Caprock Distributors, LLC, Steve Newsom, Cindy Newsom and Gabe Hisel, Newsom Family Farms, LLC, Ledlie Powell, individually and as trustee of the Ledlie S. and Danette Powell Revocable Trust d/b/a Newsom Powell Vineyard, Don Hill d/b/a Don Hill Farms, Texas Custom Wine Works, LLC, Texas Winery Owners Group, LLC, Kim McPherson d/b/a McPherson Cellars, Inc., Lynce Charles Carroll, Texas Wine Company, Inc., and AKG Realty, Inc.

accelerated appeal from the trial court’s determination that the plaintiffs independently established proper venue. *See* Tex. Civ. Prac. & Rem. Code Ann. § 15.003(b). In the accelerated appeal, we reversed the trial court’s order denying the motion to transfer venue and remanded the case to the trial court with instructions to transfer the claims to the counties of proper mandatory venue. *See Bayer Crop Science, L.P. v. Andy Timmons, Inc.*, No. 09-22-00204-CV, 2022 WL _____ (Tex. App.—Beaumont _____, 2022, no pet. h.) (mem. op.). Accordingly, we dismiss this original proceeding as moot.

PETITION DISMISSED.

PER CURIAM

Submitted on August 15, 2022
Opinion Delivered November 17, 2022

Before Golemon, C.J., Kreger and Johnson, JJ.