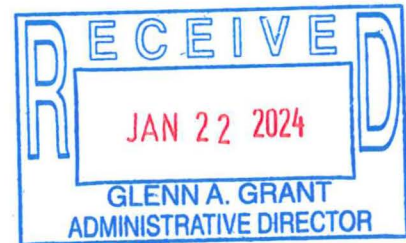


VIA HAND-DELIVERY

January 22, 2024

Hon. Glenn A. Grant, J.A.D.
Administrative Director of the Courts
Administrative Office of the Courts
of the State of New Jersey
Richard J. Hughes Justice Complex
25 W. Market St.
Trenton, New Jersey 08625



Re: Request for Multi-County Litigation Designation of Roundup Cases

Dear Judge Grant:

Please accept this letter on behalf of ten (10) Plaintiffs who now seek designation of their cases, currently filed in courts in four different New Jersey counties, for centralized management in The Superior Court of New Jersey, Atlantic County vicinage.¹ Plaintiffs make this request pursuant to New Jersey Rule 4:38A and codified thereunder in Directive 02-19: Multicounty Litigation Guidelines and Criteria for Designation ("Guidelines").² They anticipate the total number of cases that will be subject to this Court's petition order, if granted, will likely exceed one hundred.

As set forth herein, centralized management is consistent with the Guidelines for a number of reasons. Chiefly, it will allow for the conservation of judicial resources and will curtail, if not eliminate, duplicative and inconsistent rulings that are inevitable if Plaintiffs' cases remain before various courts throughout the state. Centralization will also allow for coordinated discovery, particularly advantageous where, as here, Plaintiffs' cases involve claims with common issues of law and fact involving a single product, Roundup; a high degree of commonality of injury or damages; and little to no risk that centralization will cause delay or prejudice. In short, centralization is fair and convenient to all parties, counsel, and witnesses, and this petition should be approved.

¹ A list of currently pending cases is attached hereto as Exhibit A.

² Per the Guidelines, Plaintiffs will provide the required notice of this petition for centralized management to all parties. Further, Plaintiffs move that if this petition is granted, the Court also orders that all subsequent related actions currently filed in counties other than the vicinage chosen by the Court be transferred without further application. Guidelines, ¶ 4.

I. Summary Of The Case

A. The Parties

Plaintiffs are ten New Jersey residents who have filed civil actions for injuries caused by their exposures to Roundup over a period of years at work, at their residences, or both.³ Each Plaintiff claims injuries under the New Jersey Products Liability Act, N.J.S.A. 2A:58C-1 *et seq.* (“NJPLA”), the New Jersey Punitive Damages Act, N.J.S.A. 2A: 15-59, *et seq.*, and the common law of the State of New Jersey. Specifically, they assert claims for grievous injuries as a direct and proximate result of their aforementioned exposures to Roundup, including their diagnosis of Non-Hodgkin’s Lymphoma (“NHL”).

Defendant Monsanto Company is now fully owned by Defendant Bayer Corporation (“Bayer Corp.”). Bayer Corp., a/k/a Bayer, USA, is a wholly-owned subsidiary of Defendant Bayer AG. Bayer Corp. runs national operations for Bayer AG and oversees approximately forty consolidated subsidiary companies within the United States, including Defendant Bayer CropScience LP, Defendant Bayer CropScience LLC, and Defendant Bayer U.S. LLC. These Bayer entities are collectively referred to as the “Bayer Defendants.” Plaintiffs also bring claims against fifty John Doe or fictitiously-named defendants whose identities are not presently known.⁴

³ Roundup here refers to all formulations of Defendants’ product line including, but not limited to: Roundup Concentrate Poison Ivy and Tough Brush Killer 1, Roundup Custom Herbicide, Roundup D-Pak herbicide, Roundup Dry Concentrate, Roundup Export Herbicide, Roundup Fence & Hard Edger 1, Roundup Garden Foam Weed & Grass Killer, Roundup Grass and Weed Killer, Roundup Herbicide, Roundup Original 2k herbicide, Roundup Original II Herbicide, Roundup Pro Concentrate, Roundup Prodry Herbicide, Roundup Promax, Roundup Quik Stik Grass and Weed Killer, Roundup Quikpro Herbicide, Roundup Rainfast Concentrate Weed & Grass Killer, Roundup Rainfast Super Concentrate Weed & Grass Killer, Roundup Ready-to-Use Extended Control Weed & Grass Killer 1 Plus Weed Preventer, Roundup Ready-to-Use Weed & Grass Killer, Roundup Ready-to-Use Weed and Grass Killer 2, Roundup Ultra Dry, Roundup Ultra Herbicide, Roundup Ultramax, Roundup VM Herbicide, Roundup Weed& Grass Killer Concentrate, Roundup Weed & Grass Killer Concentrate Plus, Roundup Weed & Grass killer Ready-to-Use Plus, Roundup Weed & Grass Killer Super Concentrate, Roundup Weed & Grass Killer1 Ready-to-Use, Roundup WSD Water Soluble Dry Herbicide Deploy Dry Herbicide, or any other formulation of containing the active ingredient glyphosate.

⁴ Monsanto, the Bayer Defendants, and the fictitiously-named Defendants are collectively referenced as “Defendants” herein.

All Defendants qualify as manufacturers/product sellers of Roundup under the NJPLA as set forth and defined in full in the complaints. All Defendants were or are doing business in the State of New Jersey.

B. The Plaintiffs' Pleadings Present Common Issues Of Liability

Plaintiffs bring these claims against Monsanto and the Bayer Defendants for their failure to warn Plaintiffs of Roundup's carcinogenicity. Roundup, which first came onto the market in the 1970s, contains glyphosate and other harmful chemicals. Plaintiffs allege generally that Monsanto knew of glyphosate's dangers and concealed those risks from the public. In 2015, the World Health Organization's International Agency for Research on Cancer ("IARC"), an organization comprised of independent scientists across the world, classified glyphosate, the active ingredient in Roundup, as a Class 2A Probable Human Carcinogen. Monsanto responded to this scientific finding by attempting to wage an attack campaign against IARC and independent scientists.

Bayer AG acquired Monsanto on September 14, 2016, combining it with its Bayer CropScience division with the goal of "creat[ing] significant strategic benefits." The Bayer Defendants have continued to manufacture and market glyphosate containing Roundup.⁵ Plaintiffs all allege that the Bayer Defendants are liable for Monsanto's acts as successors and by continuing to sell Roundup with glyphosate.

The common issues presented in Plaintiffs' complaints evince significant common issues of facts and law that warrant centralized management.

II. Centralized Management Of These Cases Is Appropriate Under The Guidelines.

As set forth in the Guidelines, mass tort designation (multi-county litigation) is warranted when a litigation involves a large number of parties; many claims with common, recurrent issues of law and fact that are associated with a single product; the parties are geographical dispersed; and there is a high degree of remoteness between court and actual decision makers in the litigation; among other considerations. This litigation meets the above enunciated criteria.

Moreover, other courts have effectuated centralized management of Roundup cases. *See* Initial Transfer Order, *In Re: Roundup Products Liability Litigation*, MDL No. 2741 (United States Judicial Panel on Multidistrict Litigation Oct. 3, 2016) ("On the basis of the papers filed and hearing session held,

⁵ Bayer AG announced that it (including the Bayer Defendants here) will replace its glyphosate-based products in the U.S. residential lawn and garden market with non-glyphosate active ingredients beginning in 2023 but will continue to sell Roundup with glyphosate for commercial and agricultural uses in the United States.

we find that these actions involve common questions of fact, and that centralization in the Northern District of California will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. These actions share common factual questions arising out of allegations that Monsanto’s Roundup herbicide, particularly its active ingredient, glyphosate, causes non-Hodgkin’s lymphoma.”) (attached as Exhibit B); Order Granting Petition for Coordination, *Roundup Product Cases*, Judicial Council Coordination Proceedings No. 4953 (Cal. Super. Ct. Jan. 4, 2018) (centralizing and coordinating all Roundup cases in California state courts in Alameda County) (attached as Exhibit C); Order Granting Petition to Coordinate Roundup Products Liability Cases, *In Re: Roundup Products Liability Litigation*, No. 550 (Pa Ct. Comm. Pls. May 11, 2022) (centralizing and coordinating all Roundup actions in Pennsylvania state courts in the Philadelphia Court of Common Pleas’ Complex Litigation Center) (attached as Exhibit D). The common issues here, though with legal underpinnings distinct from other centralized Roundup proceedings, should likewise prompt centralization with an MCL designation.

A. Centralized Management Of These Cases In The Superior Court Of New Jersey For Atlantic County Is Proper.

It is within the Supreme Court’s discretion to choose the proper vicinage for centralized management of this multi-county litigation. (“MCL”). Guidelines, ¶ 3. Issues of fairness, geographical location of the parties and attorneys, and the existing civil and mass tort caseload in the vicinage will be considered in determining which vicinage a particular mass tort will be assigned to for centralized management. Plaintiffs respectfully submit that the Superior Court of Atlantic County is the proper venue.

Atlantic County is one of the vicinages where centrally managed mass tort cases have previously been located and is the vicinage where the current majority of Plaintiffs’ cases are pending. Neither Bergen nor Middlesex Counties have a pending Roundup case. Thus, Atlantic County is the most practicable venue for establishing an MCL, with several Roundup cases ready to proceed and the County’s institutional experience in handling complex mass tort centralizations. Moreover, Atlantic County is located conveniently near several international airports (*e.g.*, Philadelphia, Atlantic City, and Newark), easing potential travel constraints to New Jersey by Defendants’ nationwide counsel. Moreover, Atlantic County is also within a reasonable driving distance from Defendants’ New Jersey offices.

Presently, per the Court’s website, <http://www.judiciary.state.nj.us/mass-tort/index.html>, there are eight multi-county litigations centralized in Atlantic County Superior Court. Several of these litigations are now largely resolved (Abilify; Proton-Pump Inhibitors, and several of the five different surgical mesh cases). In contrast, Bergen County has ten multi-county litigations pending and Middlesex County has four active multi-county litigations.

B. Resources Will Be Conserved By Centralized Management Of These Cases.

The Guidelines delineate numerous, non-exhaustive factors supporting centralized management of cases in MCL litigation. *See* Guidelines, ¶ 2. Several are relevant here with efficiency for all concerned, particularly the court, paramount. *See id.* (centralization is appropriate where it facilitates judicial resources including court staff); *see also In re Accutane Litig.*, 194 A. 3d 503, 522-23 (N.J. 2013) (the New Jersey Supreme Court holding that a MCL is “intended to make more manageable the processing of hundreds and sometimes thousands of cases... [with] [o]ne of the reasons [being] to gain the benefits of administrative efficiency.”). There is no question that it will conserve valuable judicial resources to have a single court overseeing these cases, particularly as additional cases are filed in the coming months. Doing so will also facilitate the overlapping Guidelines factor that an MCL avoids duplicative – or even worse – inconsistent rulings that could result if multiple judges issuing orders. *See* Guidelines, ¶ 2 (MCL management is appropriate where there is a risk of “duplicative and inconsistent rulings, orders, or judgments if the cases are not managed in a coordinated fashion.”). Such risk is particularly likely in these cases where there is a high degree of commonality of injuries and damages between the Plaintiffs, involving a singular product, Roundup, and where the applicable law is largely the same. Not only does this commonality support the granting of this petition because of genuine concerns about inconsistent rulings, but it also stands as an independent reason under the Guidelines on its own. *See* Guidelines, ¶ 2 (a factor to be considered is whether the cases “involve[] many claims with common, recurrent issues of law and fact that are associated with a single product....” and where there is a “high degree of commonality of injury or damages among plaintiffs.”).

C. An MCL Will Be Fair And Advantageous To All Parties.

The Guidelines likewise support the granting of an MCL petition where coordinated discovery will advantage the parties, *id.*; it is fair to the parties, their counsel, and witnesses; and where centralization will not cause delay or prejudice. *Id.* All are met. Where, as here, there is considerable overlap of facts and law since all Plaintiffs suffered similar injuries, NHL, from exposure to a singular product, glyphosate-containing Roundup, it is self-evident that general discovery will be markedly similar, if not identical. To have that discovery centrally managed will absolutely advantage the parties. This coordination of general discovery will also prevent undue delay or prejudice that could result from disparate rulings if the MCL petition is not granted, and these cases proceed in courtrooms throughout New Jersey.

D. Fidelma Fitzpatrick And Robin Greenwald Should Be Appointed As Co-Leads Of The MCL, And Daniel Lapinski Should Be Appointed Liaison Counsel Of The MCL.

Ms. Fidelma Fitzpatrick of Motley Rice LLC and Ms. Robin Greenwald of Weitz & Luxenberg, P.C. are eminently qualified to serve as co-lead counsel of this proposed MCL, and Mr. Daniel Lapinski of Motley Rice LLC is likewise well qualified to serve as liaison counsel of this proposed MCL.

Over the last 15 years, Ms. Fitzpatrick has gained experience litigating complex environmental and medical tort actions and has been appointed to leadership positions in several such MDLs. Ms. Fitzpatrick's experience includes litigating Roundup cases, and she is one of few attorneys who has litigated Roundup actions through a trial. Ms. Fitzpatrick also serves as Plaintiffs' Co-Lead Counsel in the *In RE: Hair Relaxer Marketing, Sales Practices, And Products Liability Litigation* MDL currently pending before the Northern District of Illinois. As a result, Ms. Fitzpatrick has extensive experience handling all aspects of Roundup litigation and other federal and state mass tort coordinated proceedings, including motion practice, fact discovery, expert discovery, pre-trial practice, trial, mass tort leadership management, case investigation, and resolution.

Ms. Fitzpatrick's resume is attached as Exhibit E.

Since 2005, Ms. Greenwald has led Weitz & Luxenberg's Environmental, Toxic Tort, and Consumer Protection Unit. She has litigated environmental cases for the entirety of her nearly-40-year law career, and many of those cases involved personal injuries stemming from chemical exposure, including Roundup. Ms. Greenwald filed the first Roundup case on September 22, 2015, and has served as Co-Lead Counsel in *In Re: Roundup Products Liability Litigation*, MDL No. 2741, since her appointment by U.S. District Judge Vincent Chhabria in 2016. In that role, Ms. Greenwald has been involved in, *inter alia*, drafting and arguing dozens of substantive motions (*e.g.*, motions to dismiss, summary judgment motions, *Daubert* motions, and motions involving federal preemption); identifying and retaining experts in multiple scientific disciplines; taking and defending fact and expert depositions; assisting and advising numerous MDL plaintiffs' counsel in the litigation of their plaintiff's individual cases; and developing novel legal theories and the factual and scientific evidence necessary to establish Monsanto's liability. Her contributions to the Roundup MDL have resulted in over \$10 billion in settlements to date. Ms. Greenwald is fully versed with the facts, science, and law underpinning the Roundup litigation.

Ms. Greenwald's resume is attached as Exhibit F.

Mr. Lapinski has over two decades of litigation experience, with a focus on complex mass torts. Mr. Lapinski has been appointed to leadership roles in numerous mass tort cases, including cases involving human exposure to toxic chemicals. Mr. Lapinski has been admitted to practice law in New Jersey since 2001 and is based in Motley Rice's New Jersey office.

Mr. Lapinski's resume is attached as Exhibit G.

Motley Rice and Weitz & Luxenberg are two of the largest plaintiffs' law firms and have two of the most formidable mass tort and environmental tort practice groups in the country. Ms. Fitzpatrick, Ms. Greenwald, and Mr. Lapinski have the experience, resources, and time to devote to ensure that this MCL is organized, streamlined, and efficient. Each of them and their respective law firms has the expertise, dedication, financial resources, attorneys, and support staff necessary to accomplish the duties and responsibilities of lead counsel in this litigation.

III. Conclusion

For the foregoing reasons, Plaintiffs respectfully move that their litigation against Monsanto and the Bayer Defendants be designated as a MCL in the Superior Court of New Jersey, Atlantic County vicinage, pursuant to New Jersey Rule 4:38 A and in compliance with the Guidelines promulgated thereunder. Plaintiffs also move that Fidelma Fitzpatrick and Robin Greenwald be appointed as co-leads of the MCL, and that Daniel Lapinski be appointed liaison counsel.

Respectfully submitted,



Daniel Lapinski (Attorney ID 004612001)

Fidelma Fitzpatrick*

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**pro hac vice* application forthcoming

Counsel for Plaintiffs

cc: Hon. Michael J. Blee, Assignment Judge (Via Overnight Mail)
Hon. John C. Porto, Civil Presiding Judge (Via Overnight Mail)
Hon. Ralph A. Paolone, J.S.C. (Via Overnight Mail)
Hon. Danielle J. Walcoff, J.S.C. (Via Overnight Mail)
Allison Theoharis, Court Services Supervisor (Via Overnight Mail)
Natalie A. Williams, Civil Division Manager (Via Overnight Mail)
Hon. Timothy W. Chell, Civil Presiding Judge (Via Overnight Mail)
Hon. Eric G. Fikry, J.S.C. (Via Overnight Mail)
Hon. Louis S. Sceusi, J.S.C. (Via Overnight Mail)
Hon. Bruno Mongiardo, J.S.C. (Via Overnight Mail)
All Known Defense Counsel (Via Electronic Mail)
All Known Plaintiffs Counsel (Via Electronic Mail)

EXHIBIT A

EXHIBIT A

Roundup Cases Pending in New Jersey State Courts

1. *Salvatore Marra v. Monsanto Company, Bayer AG, Bayer Cropscience LP, Bayer Cropscience LLC, Bayer Corporation, and Bayer U.S. LLC*, Case No. ATL-L-003229-23 (Dec. 18, 2023)
2. *Donald Marvel v. Monsanto Company, Bayer AG, Bayer Cropscience LP, Bayer Cropscience LLC, Bayer Corporation, and Bayer U.S. LLC*, Case No. ATL-L-000028-24 (Jan. 5, 2024)
3. *Joseph J. Brown v. Monsanto Company, Bayer AG, Bayer Cropscience LP, Bayer Cropscience LLC, Bayer Corporation, and Bayer U.S. LLC*, Case No. ATL-L-000027-24 (Jan. 5, 2024)
4. *Pasquale Mirra v. Monsanto Company, Bayer AG, Bayer Cropscience LP, Bayer Cropscience LLC, Bayer Corporation, and Bayer U.S. LLC*, Case No. ATL-L-000029-24 (Jan. 5, 2024)
5. *William Capobianco v. Monsanto Company, Bayer AG, Bayer Cropscience LP, Bayer Cropscience LLC, Bayer Corporation, and Bayer U.S. LLC*, Case No. ATL-L-000114-24 (Jan. 19, 2024)
6. *Judith Engelbrecht v. Monsanto Company, Bayer AG, Bayer Cropscience LP, Bayer Cropscience LLC, Bayer Corporation, and Bayer U.S. LLC*, Case No. ATL-L-000115-24 (Jan. 19, 2024)
7. *Joseph Connelly, Jr. v. Monsanto Company, Bayer Cropscience LP, Bayer Cropscience LLC, Bayer Corporation, Bayer U.S. LLC, and John Doe Corporations 1-50*, Case No. GLO-L-001393-23 (Dec. 18, 2023)
8. *Eugeneia Lewis v. Monsanto Company, Bayer Cropscience LP, Bayer Cropscience LLC, Bayer Corporation, Bayer U.S. LLC, and John Doe Corporations 1-50*, Case No. BUR-L-002380-23 (Dec. 18, 2023)
9. *Richard Longo v. Monsanto Company, Bayer Cropscience LP, Bayer Cropscience LLC, Bayer Corporation, Bayer U.S. LLC, and John Doe Corporations 1-50*, Case No. SSX-L-000526-23 (Dec. 18, 2023)
10. *Michael McLaughlin v. Monsanto Company, Bayer Cropscience LP, Bayer Cropscience LLC, Bayer Corporation, Bayer U.S. LLC, and John Doe Corporations 1-50*, Case No. PAS-L-003477-23 (Dec. 18, 2023)

EXHIBIT B

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: ROUNDUP PRODUCTS
LIABILITY LITIGATION**

MDL No. 2741

TRANSFER ORDER

Before the Panel: Plaintiffs in the *Giglio* and *Hardeman* actions listed on Schedule A move under 28 U.S.C. § 1407 to centralize pretrial proceedings in this litigation in the Southern District of Illinois. This litigation consists of twenty-one actions pending in fourteen districts, as listed on Schedule A. The actions allege that Roundup, a widely used glyphosate-based herbicide manufactured by Monsanto Company, can cause non-Hodgkin's lymphoma and that Monsanto failed to warn consumers and regulators about the alleged risks of Roundup. Since the filing of the motion, the parties have notified the Panel of another sixteen related actions pending in twelve districts.¹

All responding plaintiffs support centralization, but suggest different transferee districts. Plaintiffs in three actions and a potential tag-along action support centralization in the Southern District of Illinois. Plaintiffs in another three actions propose centralization in the Central District of California. Plaintiffs in one action suggest centralization in the Southern District of Illinois, the Central District of California, or the Eastern District of California. Plaintiffs in five actions suggest instead centralization in the District of Hawaii. Plaintiff in one action does not oppose the Southern District of Illinois, but suggests that the Eastern District of Louisiana is a more appropriate transferee district. Finally, plaintiff in one potential tag-along action suggests centralization in the Northern District of Illinois. Various plaintiffs alternatively support the Central District of California, the District of Hawaii, or the Southern District of Illinois.

Defendant Monsanto Company opposes centralization. Should the Panel centralize this litigation over Monsanto's objections, it alternatively proposes centralization in the Northern District of California, the Southern District of California, or the Southern District of Florida. Monsanto's primary arguments against centralization are that: (1) individualized facts concerning each plaintiff's case, such as the nature of plaintiff's exposure, the formulation of Roundup to which plaintiff was exposed, and the specific type of non-Hodgkins' lymphoma plaintiff developed, will predominate over common factual issues; and (2) informal coordination and cooperation among the involved parties and courts are preferable to centralization. We are not persuaded by either argument.

There undoubtedly are some individualized factual issues presented by these actions, but they do not negate the efficiencies to be gained by centralization. Regardless of the particular formulation

¹ These and any other related actions are potential tag-along actions. See Panel Rules 1.1(h), 7.1, and 7.2.

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of Roundup at issue (all of which employ glyphosate as the active ingredient), or the nature of plaintiff's exposure to glyphosate, all the actions entail an overarching query—whether glyphosate causes non-Hodgkin's lymphoma in persons exposed to it while using Roundup. Monsanto itself implicitly acknowledges the predominance of this common question as it has moved in a number of the underlying actions to bifurcate discovery to address general causation issues before plaintiff-specific ones. In any event, almost all personal injury litigation involves plaintiff-specific questions of causation and damages. Those differences are not an impediment to centralization when common questions of fact are multiple and complex, as they are here. *See In re Xarelto (Rivaroxaban) Prods. Liab. Litig.*, 65 F. Supp. 3d 1402, 1404 (J.P.M.L. 2014). When discovery and other pretrial proceedings related to the common issues have been completed, the transferee judge may suggest Section 1407 remand of the actions to their transferor courts for more individual discovery and trial, if necessary. *See In re Darvocet, Darvon & Propoxyphene Prods. Liab. Litig.*, 780 F. Supp. 2d 1379, 1381 (J.P.M.L. 2011).

Turning to Monsanto's second argument, we conclude that informal coordination among the involved courts and counsel is not practicable in this instance. Including the potential tag-along actions, there are now thirty-seven actions pending in twenty-one districts. More than ten different law firms represent plaintiffs in these actions, which are spread across the country. Even if no additional actions are filed, the present number of cases, districts, and involved counsel, as well as the complexity of the issues presented, warrants centralization.

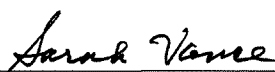
On the basis of the papers filed and hearing session held, we find that these actions involve common questions of fact, and that centralization in the Northern District of California will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. These actions share common factual questions arising out of allegations that Monsanto's Roundup herbicide, particularly its active ingredient, glyphosate, causes non-Hodgkin's lymphoma. Plaintiffs each allege that they or their decedents developed non-Hodgkin's lymphoma after using Roundup over the course of several or more years. Plaintiffs also allege that the use of glyphosate in conjunction with other ingredients, in particular the surfactant polyethoxylated tallow amine (POEA), renders Roundup even more toxic than glyphosate on its own. Issues concerning general causation, the background science, and regulatory history will be common to all actions. Centralization will eliminate duplicative discovery; prevent inconsistent pretrial rulings (including with respect to discovery, privilege, and *Daubert* motion practice); and conserve the resources of the parties, their counsel, and the judiciary.

We select the Northern District of California as the appropriate transferee district for this litigation. Two of the earliest-filed and most procedurally advanced actions are pending in this district. The Northern District of California is both convenient and easily accessible for all parties, and we are convinced that the district has the necessary judicial resources and expertise to efficiently manage this litigation. Furthermore, centralization in this district allows us to assign this litigation to the Honorable Vince Chhabria, a skilled jurist who has not yet had the opportunity to preside over an MDL.

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IT IS THEREFORE ORDERED that the actions listed on Schedule A and pending outside the Northern District of California are transferred to the Northern District of California and, with the consent of that court, assigned to the Honorable Vince Chhabria for coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Marjorie O. Rendell
Lewis A. Kaplan
R. David Proctor

Charles R. Breyer
Ellen Segal Huvelle
Catherine D. Perry

**IN RE: ROUNDUP PRODUCTS
LIABILITY LITIGATION**

MDL No. 2741

SCHEDULE A

Central District of California

MCCALL v. MONSANTO COMPANY, C.A. No. 2:16-01609
HERNANDEZ, ET AL. v. MONSANTO COMPANY, C.A. No. 2:16-01988
JOHANSING v. MONSANTO COMPANY, C.A. No. 2:16-05035
SANDERS, ET AL. v. MONSANTO COMPANY, C.A. No. 5:16-00726

Eastern District of California

MENDOZA v. MONSANTO COMPANY, C.A. No. 1:16-00406

Northern District of California

HARDEMAN v. MONSANTO COMPANY, ET AL., C.A. No. 3:16-00525
STEVICK, ET AL. v. MONSANTO COMPANY, C.A. No. 3:16-02341

Southern District of California

GIGLIO v. MONSANTO COMPANY, ET AL., C.A. No. 3:15-02279

Southern District of Florida

RUIZ, ET AL. v. MONSANTO COMPANY, C.A. No. 9:16-80539

District of Hawaii

SHEPPARD, ET AL. v. MONSANTO COMPANY, C.A. No. 1:16-00043
JOHNSON v. MONSANTO COMPANY, C.A. No. 1:16-00075

Northern District of Illinois

GIBBS v. MONSANTO COMPANY, C.A. No. 1:16-07588

Southern District of Illinois

BRIDGEMAN v. MONSANTO COMPANY, C.A. No. 3:16-00812
HARRIS v. MONSANTO COMPANY, ET AL., C.A. No. 3:16-00823
PATTERSON v. MONSANTO COMPANY, C.A. No. 3:16-00825

-A2-

Western District of Kentucky

MEANS v. MONSANTO COMPANY, C.A. No. 5:16-00112

Eastern District of Louisiana

WORK v. RAGAN AND MASSEY, INC., ET AL., C.A. No. 2:16-07491

District of Massachusetts

SCHEFFER v. MONSANTO COMPANY, C.A. No. 1:16-11489

Northern District of Mississippi

COUEY v. MONSANTO COMPANY, C.A. No. 4:16-00149

District of Nebraska

DOMINA, ET AL. v. MONSANTO COMPANY, C.A. No. 4:16-03074

Western District of Wisconsin

PORATH v. MONSANTO COMPANY, C.A. No. 3:16-00518

EXHIBIT C



14103505

FILED
ALAMEDA COUNTY

JAN 04 2018

CLERK OF THE SUPERIOR COURT
By Pam Williams
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

COORDINATED PROCEEDINGS
SPECIAL TITLE (RULE 3.550)

JUDICIAL COUNCIL
COORDINATION PROCEEDING
No. 4953

ROUNDUP PRODUCT CASES

ORDER GRANTING PETITION FOR
COORDINATION

AND COORDINATED ACTIONS

A Petition for Coordination was submitted to the Judicial Council on October 17, 2017 ("Petition") by Plaintiffs Loretta Pennie *et al.* The undersigned, Judge Ioana Petrou, was assigned as Coordination Motion Judge pursuant to Code of Civil Procedure § 404 and California Rules of Court, Rule 3.524, on November 21, 2017. The Petition came on for hearing on December 20, 2017.

The Court, having considered the Petition and the Response thereto, orders that the Petition for Coordination is GRANTED. The Court finds that the included actions listed in the Petition are complex pursuant to California Rules of Court, Rule 3.502, and that the included actions meet the standards set forth in Code of

Civil Procedure § 404.1.

While Defendants did not oppose coordination of the included actions for pre-trial purposes, they did oppose Plaintiffs' proposed choices for the site of the coordination proceedings.

Plaintiffs recommended Alameda County as the most appropriate venue for coordination proceedings, with San Francisco County as the next most appropriate venue, and Santa Barbara as the third alternative. Defendants recommended Riverside County as the most appropriate venue, with San Diego County as the alternative venue.

Pursuant to California Rules of Court, Rule 3.530(b), in determining the site for the coordination proceedings, the Court may consider any relevant factor, including the following: the number of included actions in particular locations; whether litigation is at advanced stage in a particular court; the efficient use of court facilities and judicial resources; the location of witnesses and evidence; the convenience of parties and witnesses; the parties' principal places of business; the office locations of counsel for both parties; and the ease of travel to and availability of accommodations in particular locations.

The Petition indicates that 14 of the 16 included cases were pending in Alameda County. However, following this Court's July 14, 2017 Order in *Billings v. Monsanto*, Case No. RG17-852375, and the Court's August 4, 2017 Order in *Pilliod v. Monsanto*, Case No. RG17-862-702, only five of the included cases are

properly pending in Alameda County. In addition, pursuant to the December 5, 2017 Joint Stipulation Regarding Venue and Related Issues in *Pennie v. Monsanto*, RG17-853420, the parties have agreed that all 33 Plaintiffs in that case other than Loretta Pennie will dismiss their claims in the Pennie case and refile in the county where their alleged exposure to Defendants' products occurred. None of those exposures occurred in Alameda, San Francisco, or Santa Barbara counties, four occurred in Riverside County, and two in San Diego County.

On December 14, 2017, Plaintiffs filed a Notice of Potential Add-On Cases, indicating that five multi-plaintiff cases were filed in San Francisco just the day before. Plaintiffs' counsel did not provide any information in that Notice concerning where those alleged exposures occurred, but he admitted that none of those plaintiffs live in San Francisco.

After taking into account this Court's prior orders severing various Plaintiffs from the Alameda cases and ordering them to refile their cases elsewhere and the parties' Stipulation to that effect in the *Pennie* case, approximately half of the Plaintiffs named in the Alameda cases will be refiling their cases somewhere in Southern California. It appears that ten of those cases will be refiled in Kern County, four in Riverside County, and the remainder will be refiled in counties throughout California. This factor may slightly favor coordination somewhere in Southern California, but only very slightly given the distribution of plaintiffs across the State of California.

None of the cases are in a truly advanced stage of litigation. One of the included actions, *Huerta v. Monsanto*, pending in Riverside County, is at a somewhat more advanced stage than the other included actions. The presiding judge, the Honorable Sharon Waters, has conducted five case management conferences, issued a confidentiality order, and bifurcated causation from other issues, but no trial date has been set. Therefore, while this case is more advanced than the others, it is not at a highly advanced stage.

As for the location and convenience of access to witnesses and evidence, approximately half of the named Plaintiffs from the included actions listed in the Petition for Coordination were allegedly exposed to Defendants' products in Southern California. This factor may slightly favor coordination in Southern California, but not strongly so. Conversely, the principal place of business of two Defendants, Wilbur-Ellis Company LLC and Wilbur-Ellis Feed LLC, is in San Francisco, which favors coordination in San Francisco or Alameda Counties.

Regarding ease of travel to and availability of accommodations in particular locations, the Court is persuaded that this factor strongly favors coordination in either San Francisco or Alameda Counties, rather than in Riverside or San Diego Counties. While this factor may favor coordination in Los Angeles County, where virtually all counsel are located, neither Plaintiffs nor Defendants have suggested Los Angeles County.

One factor only glancingly addressed by the parties' filings is that the multi-

district litigation proceeding pending in federal court is being heard by the Honorable Vincent Chhabria in the Northern District of California, located in San Francisco. This factor strongly favors coordination in either San Francisco or Alameda Counties, both to facilitate the coordination trial judge's ability to attend the scheduled Daubert evidentiary hearings and to allow counsel to coordinate hearing dates in Federal District Court and State Court.

Therefore, having considered the factors set forth in Rule 3.530(b), the Coordination Motion Judge hereby recommends to the Chair of the Judicial Council that the coordinated proceedings be conducted in the Superior Court of the State of California, County of Alameda.

Pursuant to Code of Civil Procedure § 404.2, the reviewing court with appellate jurisdiction over the coordinated actions shall be the First District Court of Appeal, San Francisco, California.

The list of cases subject to this Order is set forth below. The Court excludes the case of *Johnson v. Monsanto*, Case No. CGC-16-550128, pending in San Francisco County Superior Court and referenced in the Petition, because that case is already set for trial.

All of the included actions are stayed by operation of California Rules of Court, Rule 3.529(b).

The clerk of the court is directed to serve this order upon Petitioners forthwith and file proof of such service. Petitioners shall promptly file this order in

each included action, serve it on each party appearing in an included action, submit it to the Chair of Judicial Counsel, and file proof of such service and submission.

(California Rules of Court, Rules 3.529(a); 3.511(a)(9) & (b); and 3.510.)

List of Cases Subject to This Order

1. *Loretta I. Pennie, et al. v. Monsanto Company, et al.*, Case No. RG17853420 (Alameda County Superior Court).
2. *Mary Scalise v. Monsanto Company, et al.*, Case No. 17CV02577 (Santa Barbara County Superior Court).
3. *Gino Roth v. Monsanto Company, et al.*, Case No. RG17854000 (Alameda County Superior Court).
4. *Michael Woodbury v. Monsanto Company, et al.*, Case No. RG17855094 (Alameda County Superior Court).
5. *Charles Baker v. Monsanto Company, et al.*, Case No. RG17876143 (Alameda County Superior Court).
6. *Millard F. Billings v. Monsanto Company, et al.*, Case No. RG17852375 (Alameda County Superior Court).
7. *Alva Pilliod, et al. v. Monsanto Company, et al.*, Case No. RG17862702 (Alameda County Superior Court).
8. *William Clevenger v. Monsanto Company, et al.*, Case No. RG17872423 (Alameda County Superior Court).
9. *Rick Cole v. Monsanto Company, et al.*, Case No. RG17875095 (Alameda County Superior Court).
10. *Kelly Bezzerides v. Monsanto Company, et al.*, Case No. RG17873193 (Alameda County Superior Court).
11. *Gayle Michel v. Monsanto Company, et al.*, Case No. RG17872413 (Alameda County Superior Court).

12. *John Novak v. Monsanto Company, et al.*, Case No. RG17876078 (Alameda County Superior Court).
13. *Sharon Rowland v. Monsanto Company, et al.*, Case No. RG17876283 (Alameda County Superior Court).
14. *Sharon McClurg v. Monsanto Company, et al.*, Case No. RG17876148 (Alameda County Superior Court).
15. *Brenda Huerta, et al. v. Monsanto Company, et al.*, Case No. RIC 1600639 (Riverside County Superior Court).
16. *Thomas Barba v. Monsanto Company, et al.*, Case No. RG17876711 (Alameda County Superior Court).
17. *Veronica Thompson v. Monsanto Company, et al.*, Case No. RG17876733 (Alameda County Superior Court).
18. *Marjorie Grubka v. Monsanto C(or, if in Southern California, Los Angeles County, which neither party has suggested), ompany, et al.*, Case No. MSC17-02338 (Contra Costa County Superior Court).
19. *John Aiton, et al. v. Monsanto Company, et al.*, Case No. CGC-17-563100 (San Francisco County Superior Court).
20. *Charles T. Baker, et al. v. Monsanto Company, et al.*, Case No. CGC-17-563101 (San Francisco County Superior Court).
21. *Joyce Adele Behar, et al. v. Monsanto Company, et al.*, Case No. CGC-17-563102 (San Francisco County Superior Court).
22. *Stephen G. Kohn, et al. v. Monsanto Company, et al.*, Case No. CGC-17-563104 (San Francisco County Superior Court).
23. *James P. Norris, et al. v. Monsanto Company, et al.*, Case No. CGC-17-563105 (San Francisco County Superior Court).


//

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IT IS SO ORDERED.

January 4, 2018

Date

A handwritten signature in black ink, appearing to read 'Ioana Petrou', written over a horizontal line.

Ioana Petrou

Coordination Motion Judge

ROUNDUP PRODUCT CASES NO. JCCP 4953
CLERK'S CERTIFICATE OF MAILING

RECEIVED JAN 08 2018

I certify that the following is true and correct:

I am a Deputy Clerk employed by the Alameda County Superior Court. I am over the age of 18 years. My business address is 1221 Oak Street, Oakland, California. I served the ORDER GRANTING PETITION FOR COORDINATION by placing copies in envelopes addressed as shown below and sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Michael L. Baum
R. Brent Wisner
Pedram Esfandiary,
BAUM HEDLUND ARISTEI , & GOLDMAN, PC ✓
12100 Wilshire Blvd. Suite 950
Los Angeles, CA 90025

Timothy Litzenburg
Curtis G. Hoke
Michael J. Miller
THE MILLER FIRM, LLC
108 Railroad Avenue
Orange, VA 22960

Robert F. Kennedy, Jr.
Kevin J. Madonna
KENNEDY & MADONNA, LLP
48 Dewitt Mills Road
Hurley, New York 12443

Nicholas R. Rockforte
Christopher L. Coffin
Jonathan E. Chatwin
PENDLEY, BAUDIN & COFFIN, LLP
1515 Poydras Street, Suite 1400
New Orleans, LA 70112

Aimee H. Wagstaff
David Wool
ANDRUS WAGSTAFF, PC
7171 W. Alaska Drive
Lakewood, CO 80226

Peter A. Miller
Thomas F. DellaFera, Jr.
MILLER DELLAFERA, PLC
3420 Pump Road, PMB 404
Henrico, VA 23233

Chair, Judicial Council of California
Attn: Appellate Court Services
(Civil Case Coordination)
455 Golden Gate Avenue, 5th Floor
San Francisco, CA 94102-3688

Jeremy C. Shafer
MILLER LEGAL, LLP
543 Encinitas Blvd., Suite 111
Encinitas, CA 92024

Dated: January 5, 2018

Chad Finke
Executive Officer/Clerk of the Superior Court

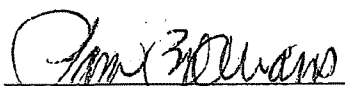
By: 
Pam Williams, Deputy Clerk

EXHIBIT D

IN THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA COURT OF COMMON PLEAS
TRIAL DIVISION - CIVIL

IN RE: ROUNDUP PRODUCTS LIABILITY
LITIGATION

: May TERM 2022
:
:
: No. 550

Complex Litigation
Center

MAY 11 2022

J Stewart

ORDER

AND NOW, this 10th day of May, 2022, upon consideration of the Petition to Coordinate Roundup Products Liability Cases (Control No. 22022902; filed under Debra Purnell, et al., v. Monsanto Company, et al., June Term 2021 No. 2347), and any response, the Petition is **GRANTED**.

Accordingly, all currently filed Roundup matters, including those appearing on the attached list of cases, shall be transferred to the Complex Litigation and coordinated under the above-captioned Master Docket. Counsel shall have twenty (20) days in which to submit an agreed-upon Case Management Order No. 1 to the Court. Upon failure to agree, counsel shall notify the Court, and the Court will issue Case Management Order No. 1.

It is further **ORDERED** that all responsive pleading obligations are stayed until responsive pleading deadlines are established under Case Management Order No. 1.

ORDER-In Re: Roundup Products Litigation



22050055000002

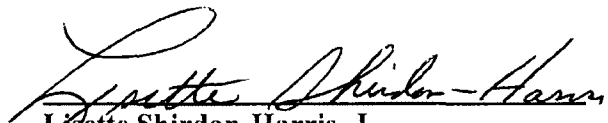

Lisette Shirdan-Harris, J.
Administrative Judge, Trial Division

EXHIBIT 1

	Case Name	Court Term and Number	Plaintiffs' Counsel
1	Brought, Susan	210900079	Feldman Pinto LLC
2	Cole, Stacey F.	210900081	Feldman Pinto LLC
3	Dougherty, William	210900083	Feldman Pinto LLC
4	Martel, Kelly J.	210900084	Feldman Pinto LLC
5	Schandler, Albert F., Jr.	210900085	Feldman Pinto LLC
6	Valente, Stephen	210900086	Feldman Pinto LLC
7	Benn, Maurice	210900923	Feldman Pinto LLC
8	Donatelli, Mark S.	210900924	Feldman Pinto LLC
9	Ford, John	210900926	Feldman Pinto LLC
10	Mattioli, Joseph	210900925	Feldman Pinto LLC
11	Murphy, Daniel	210900928	Feldman Pinto LLC
12	Phillips, Mark S.	210900930	Feldman Pinto LLC
13	Smith, Thomas E.	210900931	Feldman Pinto LLC
14	Stewart, William B.	210900932	Feldman Pinto LLC
15	Taylor, Ronald K.	210900933	Feldman Pinto LLC
16	Wagner, William	210900935	Feldman Pinto LLC
17	Brooks, Holly	210902140	Feldman Pinto LLC
18	Cowden, Lawrence M.	210902141	Feldman Pinto LLC
19	Daywalt, Bernadette	210902142	Feldman Pinto LLC
20	dePrimo, Joseph	210902143	Feldman Pinto LLC
21	Glancy, George, H., Jr.	210902144	Feldman Pinto LLC
22	Goff, Joseph C.	210902145	Feldman Pinto LLC
23	Hample, Michael	210902146	Feldman Pinto LLC
24	Jones, Michael	210902147	Feldman Pinto LLC
25	Lenox, Ronald	210902148	Feldman Pinto LLC
26	May, Marvin	210902165	Feldman Pinto LLC
27	McGlone, Gerard	210902154	Feldman Pinto LLC
28	Miechur, Josephine	210902155	Feldman Pinto LLC
29	Shaffer, William H, Sr.	210902156	Feldman Pinto LLC
30	Sinemus, Lon	210902157	Feldman Pinto LLC
31	Weiss, Elliott	210902158	Feldman Pinto LLC
32	Beckley, Karen	211000081	Feldman Pinto LLC
33	Cipollone, Susan M.	211000082	Feldman Pinto LLC
34	Gavarone, Deborah	211000083	Feldman Pinto LLC
35	Gennett, John	211000084	Feldman Pinto LLC
36	Houk, Terry	211000085	Feldman Pinto LLC
37	Miller, Allison, M	211000086	Feldman Pinto LLC
38	Patton, Gregory	211000088	Feldman Pinto LLC
39	Stitt, Alan	211000089	Feldman Pinto LLC

40	Sullivan, John	211000091	Feldman Pinto LLC
41	White, Barbara	211000093	Feldman Pinto LLC
42	White, Sandra	211000094	Feldman Pinto LLC
43	Wolpert, Michael	211000095	Feldman Pinto LLC
44	Bost, Shirley	211001571	Feldman Pinto LLC
45	Brubaker, Debra	211001572	Feldman Pinto LLC
46	Budd, Thomas, Sr.	211001573	Feldman Pinto LLC
47	Deascenti, Judy	211001574	Feldman Pinto LLC
48	Edwards, Rolin	211001575	Feldman Pinto LLC
49	Hinkle, Jacob	211001576	Feldman Pinto LLC
50	McGee, Joseph	211001577	Feldman Pinto LLC
51	Schechter, Sidney	211001578	Feldman Pinto LLC
52	Sheaffer, Michelle	211001579	Feldman Pinto LLC
53	Irvine, Denise	220102488	Feldman Pinto LLC
54	Federovitch, Francis	220102489	Feldman Pinto LLC
55	Swenson, John	220102490	Feldman Pinto LLC
56	Stoffa, John J.	220102491	Feldman Pinto LLC
57	Rinchart, Martin Grant	220102493	Feldman Pinto LLC
58	Kiehl, Michael Anthony	220102495	Feldman Pinto LLC
59	Perrelli, Michael J.	220102496	Feldman Pinto LLC
60	Boothby, Roger Wayne	220102497	Feldman Pinto LLC
61	Coughlin, Elizabeth on behalf of Patrick Coughlin	220102499	Feldman Pinto LLC
62	Ballantyne, Carl Rigg and Kathleen	211201357	Kline & Specter, P.C./Arnold Itkin
63	Barron, Lucas Lee, Deceased	220102492	Kline & Specter, P.C./Arnold Itkin
64	Brosius, Joyce	220102498	Kline & Specter, P.C./Arnold Itkin
65	Brunskill, Nancy	220200040	Kline & Specter, P.C./Arnold Itkin
66	Caranci, Ernest and Carmela	210602213	Kline & Specter, P.C./Arnold Itkin
67	Deichman, Stephen & Tammy	220200302	Kline & Specter, P.C./Arnold Itkin
68	DiGiacomo, Michael & Jeanne	220200305	Kline & Specter, P.C./Arnold Itkin
69	Garretson, Susan and Thomas	220200033	Kline & Specter, P.C./Arnold Itkin
70	Graham, Dianne	220102501	Kline & Specter, P.C./Arnold Itkin
71	Gunn, Jeffrey	210700239	Kline & Specter, P.C./Arnold Itkin
72	Hamsher, Jeffrey & Shelley	220200310	Kline & Specter, P.C./Arnold Itkin
73	Hodgson, Patricia	220200037	Kline & Specter, P.C./Arnold Itkin
74	Keener, Thomas	220200041	Kline & Specter, P.C./Arnold Itkin
75	Kulp, Benjamin & Tammy	220200312	Kline & Specter, P.C./Arnold Itkin
76	McCrudden, James and Kristina	220200317	Kline & Specter, P.C./Arnold Itkin
77	McGowan, Sean & Brianna	220200036	Kline & Specter, P.C./Arnold Itkin
78	Medway, Marc	210901933	Kline & Specter, P.C./Arnold Itkin
79	Melissen, William	210602578	Kline & Specter, P.C./Arnold Itkin
80	Miller, William and Melissa	220200425	Kline & Specter, P.C./Arnold Itkin
81	Purnell, Lambert (Dec'd)	210602347	Kline & Specter, P.C./Arnold Itkin

82	Schank, Lorraine and Michael	220200034	Kline & Specter, P.C./Arnold Itkin
83	Scott, Tyrone	220200024	Kline & Specter, P.C./Arnold Itkin
84	Shafer, David Lee, Dec'd	220200327	Kline & Specter, P.C./Arnold Itkin
85	Sterling, Kevin & Debra	220200325	Kline & Specter, P.C./Arnold Itkin
86	Tapper, Eugene: & Michele	220200333	Kline & Specter, P.C./Arnold Itkin
87	Varano, Kenneth and Lori	220200343	Kline & Specter, P.C./Arnold Itkin
88	Warwick, Mary and Robert	220200355	Kline & Specter, P.C./Arnold Itkin
89	Wilson, Adia	220200038	Kline & Specter, P.C./Arnold Itkin
90	Wright, Rodney	220200014	Kline & Specter, P.C./Arnold Itkin
91	Zippi, Carlo and Sueann	220200357	Kline & Specter, P.C./Arnold Itkin

220200035

EXHIBIT E

Fidelma L. Fitzpatrick

LICENSED IN: DC, MA, NY, RI

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court; U.S. Court of Appeals for the First, Fourth, Seventh and Eleventh Circuits; U.S. District Court for the District of Columbia, District of Massachusetts, District of Rhode Island, Western District of New York, Eastern District of Missouri, and Eastern District of Wisconsin

EDUCATION:

J.D., *cum laude*, American University, 1994

B.A., Canisius College, 1991

Fidelma Fitzpatrick represents people and communities in toxic tort and environmental matters, including property damage and personal injury claims. Her experience with complex civil litigation has led her to represent other victims of corporate malfeasance, including thousands of women who suffered health problems after receiving medical devices such as Essure[®], pelvic mesh/sling products and IUDs, as well as people harmed by consumer products such as chemical hair straighteners.

In addition to her toxic tort and medical casework, Fidelma also represents states, cities, counties and townships in litigation against opioid manufacturers, distributors and pharmacies in their claims the companies engaged in deceptive marketing and over-distribution of highly addictive opioids, creating and fueling the deadly opioid crisis.

In 2023, Honorable Mary Rowland appointed Fidelma as co-lead counsel for MDL 3060 *In re: Hair Relaxer Marketing Sales Practices and Products Liability Litigation* in the Northern District of Illinois. Plaintiffs in the MDL developed uterine cancer and other illnesses after using certain chemical hair relaxers. They assert defendant manufacturers failed to adequately test the products and warn customers about potential harms. Fidelma is also lead counsel of the Plaintiffs' Executive Committee for the coordinated Essure[®] litigation in California against Bayer Corp., and she serves on the PEC for Paragard[®] IUD multidistrict litigation filed in the Northern District of Georgia for women who suffered severe effects seemingly linked to the birth control devices. She also serves as co-lead counsel of the Plaintiffs' Executive Committee for a Philadelphia mass tort filed for farmers, railroad workers and others who developed Parkinson's Disease after using Paraquat weed killer.

In 2012, Fidelma was appointed co-lead counsel of the pelvic mesh MDL *In re American Medical Systems, Inc., Pelvic Repair Systems Products Liability Litigation* in the Southern District of West Virginia. She also holds leadership roles in pelvic mesh state court litigations, including serving as liaison counsel in the American Medical Systems cases consolidated in Delaware and the Boston Scientific cases consolidated in Massachusetts. She continues to represent women who experienced complications after receiving pelvic mesh/sling products. Filed cases are against defendants including Boston Scientific, C.R. Bard, Inc., and Ethicon.

In addition to her leadership appointments in various mass tort actions, Fidelma regularly serves as trial counsel in varied product liability and medical device cases on behalf of Plaintiffs. She was co-lead trial counsel in the lead paint pigment case, *The People of California v. Atlantic Richfield Company et al.*, in which Motley Rice represented 10 California cities and counties against national lead paint pigment manufacturers. In January 2014, the court ruled Sherwin-Williams Company, NL Industries, Inc., and ConAgra Grocery Products Company created a public nuisance by actively promoting lead for use in homes despite knowing that it was highly toxic. The parties subsequently reached a \$305 million settlement that established an abatement fund to remove toxic lead paint from homes and protect the health and safety of thousands of California children.

Fidelma also held a central role in the state of Rhode Island's trial against former corporate manufacturers of lead paint pigment. She continues to litigate cases seeking to hold the lead paint pigment industry accountable for the childhood lead poisoning crisis and provide restitution and compensation to affected children and families. As a result of her work for lead poisoning victims, the Wisconsin State Supreme Court became the first to recognize the legal rights of poisoned children to sue lead paint pigment manufacturers.

Fidelma began working with Motley Rice attorneys in 1997 on the Massachusetts, New York and Rhode Island lawsuits against the tobacco industry. She serves on the Board of Regents at Canisius College and frequently speaks on environmental and mass tort topics at conferences for federal and state court judges, attorneys, academic professionals and law students.

PUBLISHED WORKS:

"Painting Over Long-Standing Precedent: How the Rhode Island Supreme Court Misapplied Public Nuisance Law in *State v. Lead Industries Association*" *Roger Williams University Law Review* (Summer 2010)

"Access to Justice: The Use of Contingent Fee Arrangements by Public Officials to Vindicate Public Rights" *Cardozo J.L. & Gender* (Spring 2008)

"Negligence in the Paint: The Case for Applying the Risk Contribution Doctrine to Lead Litigation" in *Pace Environmental Law Review* (Fall 2008)

AWARDS AND ACCOLADES:

Chambers USA

2023 Product Liability: Plaintiffs – Nationwide, Band 2

2021, 2022 Product Liability: Plaintiffs – Nationwide, Band 3

Best Lawyers® Providence, RI

2008–2024 Mass tort litigation/class actions – plaintiffs

Law360

2021 Titans Of The Plaintiffs Bar

2019 "Product Liability MVP"

Rhode Island Super Lawyers® list

2008, 2010–2023 Environmental litigation; Personal injury – products: plaintiff; Class action/mass torts

National Law Journal

2019 Elite Women of the Plaintiffs' Bar

2018 Plaintiffs' Lawyers Trailblazers

2015 Outstanding Women Lawyers

Lawdragon

2023 Lawdragon Legends

2014–2024 Lawdragon 500

2019–2023 Lawdragon 500 Plaintiff Consumer Lawyers

The Legal 500 United States

2013, 2014, 2018 Dispute resolution – product liability, mass tort and class action – toxic tort – plaintiff

The National Trial Lawyers

2010–2013 Top 100 Trial Lawyers™ – Rhode Island

Rhode Island Lawyers Weekly

2006 Rhode Island Lawyer of the Year

Public Justice Foundation

2014 Trial Lawyers of the Year

2006 Finalist: Trial Lawyers of the Year award

ASSOCIATIONS:

American Association for Justice

American Bar Association

American Civil Liberties Union, Volunteer attorney

Public Justice Foundation, Rhode Island State Coordinator

Rhode Island Association for Justice

Rhode Island Women's Bar Association

* Please remember that every case is different. Any result we achieve for one client in one matter does not necessarily indicate similar results can be obtained for other clients.

EXHIBIT F

ROBIN LYNN GREENWALD
700 Broadway
New York, New York 10003
(212) 558-5802

Professional History

Partner, Weitz & Luxenberg, June 2005 to Present.

Manage Firm's Environmental Tort and Consumer Protection Unit.

Co-Lead Counsel, *In re Camp Lejeune Water Litigation*, 7:23-CV-897, Eastern District of North Carolina. Coordinated actions brought under the Camp Lejeune Justice Act relating to injuries from contaminated water at Camp Lejeune.

Co-Lead Counsel, *In re Roundup Products Liability Litigation, Multi-District Litigation* (MDL) 2741, Northern District of California. Consolidated actions relating to injuries from exposure to Monsanto's Roundup products.

Executive Committee, *Southern California Gas Leak Litigation*, Judicial Council Coordinated Proceeding (JCCP) 4861, Los Angeles, California. Consolidated class and mass tort actions for property damage and personal injuries relating to a natural gas well blowout in Porter Ranch, California, resulting in largest release of methane gas in United States history.

Co-Lead Counsel, *Baker v. Saint-Gobain Performance Plastics*, Northern District of New York. Coordinated actions for property damage, personal injury, and medical monitoring relating to groundwater contamination from perfluorooctanoic acid (PFOA) in Hoosick Falls, New York.

Plaintiffs' Steering Committee, *Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, MDL 2672, Northern District of California. Consolidated consumer class action relating to the "cheat" device unlawfully installed on Volkswagen diesel vehicles to conceal actual emissions from the vehicles.

Plaintiffs' Steering Committee, *BP/Deepwater Horizon Oil Spill Litigation*, MDL 2179, Eastern District of Louisiana. Consolidated actions for losses to businesses, fisheries, and local governmental entities and injuries to oil spill clean-up workers and shoreline residents relating to the blowout of a drilling oil well in the Gulf of Mexico.

Plaintiffs' Liaison Counsel/Lead Counsel, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, MDL 1358, Southern District of New York. Consolidated actions brought by over 150 municipal water providers nationwide against 50 major oil companies for damages relating to the use of MTBE as a fuel oxygenate that resulted in groundwater contamination of drinking water sources.

Lead and/or co-lead counsel in numerous other environmental cases in federal and state courts.

Associate Clinical Professor of Law, Rutgers School of Law – Newark, Executive Director Eastern Environmental Law Center, July 2003 to May 2005.

Taught Environmental Law and the Environmental Law Clinic Seminar.

Managed a not-for-profit environmental law clinic of five attorneys and approximately 20 students per semester.

Litigated federal and state New Jersey environmental cases.

Executive Director, Waterkeeper Alliance, August 2001 to June 2003.

Managed international environmental non-profit organization.

Coordinated legal actions of Waterkeeper Alliance and advocacy among Waterkeeper Alliance member organizations.

Coordinated advocacy, policy, and legislative campaigns of Waterkeeper Alliance's member organizations, spanning North America, Latin America, Europe, and Australia.

Created and implemented strategic and development plans for the Alliance.

Developed legislative strategies with international, national, and local environmental non-profit organizations.

General Counsel, Department of the Interior, Office of Inspector General, October 1999 to July 2001.

Provided legal advice to Inspector General and the Assistant Inspectors General for Audits, Investigations, Program Integrity, and Management and Policy.

Coordinated internal Department of the Interior investigations.

Managed Office of General Counsel, Ethics Office, and Freedom of Information Act/Privacy Act Office.

Developed policy and guidelines for Office of Inspector General.

Managed all personnel matters for Office of Inspector General.

Coordinated activities between Office of Inspector General and Bureaus of Department of the Interior.

Consulted with Congress and prepared congressional testimony regarding Department of the Interior issues.

Managed Office of Inspector General 2001-2005 Strategic Plan.

Assistant Chief, Environmental Crimes Section, Department of Justice, February 1998 – October 1999; Acting Assistant Chief, May 1997 to January 1998; Senior Attorney, January 1996 to April 1997.

Managed Section's Policy, Legislation, Training, and Special Litigation group.

Advised executive and legislative branches of government regarding criminal and civil enforcement of environmental laws and policies and general criminal law.

Developed and implemented national environmental enforcement initiatives.

Created and conducted training courses and seminars for federal, state, and local criminal and civil environmental enforcement attorneys and law enforcement agents across the country.

Participated in developing United States/Canada cross-border pollution conference.

Managed quarterly publication of Environmental Crimes Bulletin and revision of three-volume Environmental Crimes Manual.

Chief Environmental Attorney/Deputy Chief, Civil Division, Office of the United States Attorney, Eastern District of New York, February 1987 to December 1995; Assistant United States Attorney, November 1984 to January 1987.

Prosecuted civil and criminal environmental cases in the Eastern District of New York.

Reviewed all civil and criminal referrals for environmental enforcement action.

Drafted proposed amendments to federal environmental legislation, including Clean Water Act and Endangered Species Act.

Participated in federal, state, and local task forces for establishment of national policies for environmental prosecutions.

Advised federal agencies on environmental enforcement issues.

Drafted environmental policy documents for Department of Justice and federal agencies.

Developed and conducted training for agents and inspectors on enforcement of environmental laws and regulations.

Visiting Professor of Law, Brooklyn Law School, July 1992 to June 1993 (sabbatical from United States Attorney's Office).

Taught Environmental Law, Evidence, and Environmental Litigation Seminar.

Associate, Schiff, Hardin & Waite, September 1982 to November 1984.

Practiced general litigation, including environmental, antitrust, products liability, and contracts litigation.

Educational History

University of Illinois College of Law, Champaign-Urbana, Illinois, J.D., May 1982. University of Illinois Law Review, Member 1980 to 1981, Senior Editor 1981 to 1982; Rickert Scholarship for excellence in Legal Writing; Best Oral Advocate, First-Year Moot Court Competition.

University of Illinois, College of Liberal Arts and Sciences, Champaign-Urbana, Illinois, 1973 to 1975. B.A. in English and Philosophy, May 1976.

University of Glasgow, Glasgow, Scotland, 1975 to 1976. Honors studies in English and Philosophy.

University of Wisconsin, College of Liberal Arts and Sciences, Madison, Wisconsin, 1972 to 1973.

Publications

Greenwald, An Environmental Prosecutor's Caution about Electronic Transmissions of Environmental Reports, National Environmental Enforcement Journal, Vol. 13, No. 8 (September 1998).

Greenwald, What is the "Point" of the Clean Water Act Following *United States v. Plaza Health Laboratories, Inc.*: The Second Circuit Acts as a Legislator Rather than as a Court, 60 Brooklyn L. Rev. 689 (1994).

Awards

2023 Inductee into Trial Lawyer Hall of Fame.

Finalist, Public Justice Trial Lawyer of the Year Award, July 2008.

Office of Inspector General Special Act Award, October 2000.

Department of Justice, Environmental Crimes Section, Environment and Natural Resources Division, Outstanding Service Award, March 1997.

General's Award for Distinguished Service, January 1992.

United States Fish and Wildlife Service, Northeast Region Conservation Award, May 1991.

United States Attorney's Office Sustained Superior Performance Award, 1991, 1990 and 1987.

Bar Admission

Admitted to practice in the State of Illinois (1982).

EXHIBIT G

Daniel R. Lapinski

LICENSED IN: NJ, NY, PA

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court; U.S. Court of Appeals for the First, Third, Fourth, Sixth and Tenth Circuits; Supreme Court of New Jersey; Supreme Court of New York, First Judicial Department; Supreme Court of Pennsylvania, Western District; U.S. District Court for the Eastern and Middle Districts of Pennsylvania, District of New Jersey, and Eastern and Southern Districts of New York

EDUCATION:

J.D., Seton Hall University School of Law, 1999

B.A., Rutgers University, 1990

Daniel Lapinski has nearly 20 years of litigation experience, with a focus on mass tort and complex litigation in state, federal and appellate courts.

Dan represents victims of childhood sexual abuse who seek to hold abusers and abuse enablers accountable in civil court under "window" laws. Newly enacted in many states and pending in others, these laws extend the number of years available for victims to file a childhood sexual abuse claim by opening a statute of limitations window for a finite period of time. Dan also represents former Boy Scouts who suffered abuse with claims against the Boy Scouts of America bankruptcy.

As a mass tort attorney, Dan represents victims harmed by dangerous pharmaceutical products and defective medical devices. His perspective and approach to litigation is shaped by his previous experience as a surgical representative for a major medical device manufacturer.

Dan plays an active role in numerous mass tort cases, including as a member of the Plaintiffs' Steering Committees for the following multidistrict litigations, among others:

In re Proton-Pump Inhibitor Prods. Liability Litigation (No. II), D.N.J.

In re Johnson & Johnson Talcum Powder Products Liability Litigation, D.N.J.

Additionally, Dan has successfully argued preemption issues before federal appellate courts, and has represented clients in class actions regarding shareholder derivatives, alleged deceptive marketing of vehicles and pharmaceutical products, and alleged negligence contributing to a massive apartment fire, in cases including:

DeMarco v. AvalonBay Communities, Inc., D.N.J.

D.C.G. & T., et al., v. Knight, et al., E.D. Va.

In re Ford Explorer Cases, Cal. Sacramento Cnty. Super. Ct.

Alexander v. Solvay Pharmaceuticals, Inc., Cal. Los Angeles Cnty. Super. Ct.

Slaughter v. Unilever United States, Inc., D.N.J.

Prior to joining Motley Rice, Dan served among the leadership of the mass tort and class action team of a New Jersey law firm.

Dan is a frequent speaker on the local and national levels regarding mass tort and class action litigations, including presenting at the New Jersey State Bar annual conference, and serving as a panelist for both Harris Martin Publishing and the American Association of Justice. He has also been a regular speaker at New Jersey Association for Justice's Annual Boardwalk Seminar.

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