

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In re: Syngenta LitigationCase Type: Civil Other
Hon. Thomas M. Sipkins

This Document Relates to: ALL ACTIONS

FILE NO. 27-CV-15-3785

ORDER TO CHANGE VENUE

The above-entitled matter came before the Honorable Thomas M. Sipkins, Judge of District Court, pursuant to the filing of a verified case list on July 2, 2015.

On May 22, 2015, the Minnesota Supreme Court issued an order, A15-0758 and A15-0764, appointing the undersigned Judge, “to hear and decide all matters, including pretrial and trial proceedings, in the cases currently filed in any Minnesota state district court, or filed in the future in any Minnesota state district court, against Syngenta Corporation, Syngenta Seeds, Inc., or any related Syngenta entities, and asserting claims alleging that Syngenta unlawfully released or launched a genetically modified corn seed.” (Hereafter referred to as “the same subject matter”). Syngenta was directed to submit a verified list of all cases filed or pending in Minnesota state courts within a time and under conditions set by the undersigned Judge. Venue of any Syngenta case filed or pending before May 22, 2015, in a Minnesota state district court other than Hennepin County was transferred to Hennepin County District Court under Minn. Stat. § 542.11(4). The Minnesota Supreme Court left the decisions regarding consolidation and other procedural issues to the undersigned judge.

On June 1, 2015, the U.S. District Court, District of Kansas, Multidistrict Litigation order, MDL No. 2591, Case No. 14-md-2591-JWL-JPO issued an order remanding those Syngenta cases that “were removed to federal court solely on the bases of federal question jurisdiction based on the federal common law of foreign relations” to the state court in which they were originally filed. In addition, the U.S. District Court, District of Minnesota Judges have issued Orders to Remand Removed Actions to the District Court where each action was originally filed pursuant to the Joint Stipulations to Remand Removed Actions filed by the parties.

On June 12, 2015, the undersigned Judge issued an Order outlining conditions and requiring Syngenta Defendants to submit a complete and verified list of all cases filed or pending in Minnesota state courts subject to the Minnesota Supreme Court order on or before July 2, 2015.

After the filing of the Supreme Court Order on May 22, 2015, other Syngenta cases have been filed in district court in counties other than Hennepin County, alleging causes of action pertaining to the same subject matter to those already filed or pending in district court. By the Supreme Court Order these cases are assigned to the undersigned judge. The convenience of witnesses and the ends of justice would be promoted by changing venue of these cases to Hennepin County District Court.

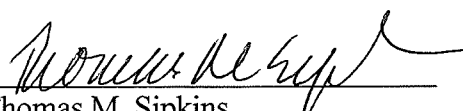
The Syngenta cases present common questions of law and fact. They involve similar parties, common theories of recovery, the same alleged underlying wrongful act, and complex and duplicative discovery.

Based upon all the files, records and proceedings herein, and to ensure the most efficient use of district court resources, the Court makes the following:

ORDER

IT IS HEREBY ORDERED THAT:

1. In accordance with the May 22, 2015 Order and pursuant to Minn. Stat. 542.11(4), the venue of all cases currently filed in any Minnesota state district court, or filed in the future in any Minnesota state district court against the Syngenta Defendants and asserting claims involving the same subject matter, including all the cases identified in the verified list filed on July 2, 2015, is hereby transferred to Hennepin County.
2. Pursuant to Minn. Stat. § 542.11(4), venue of any case previously served, but not filed prior to the May 22, 2015 Supreme Court Order and any case served and filed, after the May 22, 2015 Supreme Court Order, in another Minnesota County, shall be transferred to Hennepin County, Fourth Judicial District and assigned to Judge Thomas M. Sipkins pursuant to the May 22, 2015 Supreme Court Order assigning the matters to a single judge.
3. To promote consistency, convenience to the parties and their counsel, as well as to conserve administrative and judiciary resources, the parties shall directly file any case not yet filed, involving the same subject matter as described in paragraph two above, (no matter the originating county), electronically in Hennepin County, Fourth Judicial District. Such cases shall be assigned to Judge Thomas M. Sipkins.
4. Notice of the Filing of Order by the Court Administrators under Minn. R. Civ. P. 77.04 is waived.

BY THE COURT:Dated: 7-7-2015

Thomas M. Sipkins
Judge of District Court

cc: Charles S. Zimmerman, Esq.
Adam J. Levitt, Esq.
James J. Pizzirusso, Esq.
Caleb Marker, Esq.
W. Daniel Miles III, Esq.
Markus C. Yira, Esq. (via EFS)
Daniel Homolka, Esq.
Mikal Watts, Esq.
Lewis A. Remele, Jr., Esq.
Michael K. Johnson, Esq.
Martin J. Phipps, Esq.
Daniel E. Gustafson, Esq.
Adam K. Pulaski, Esq.
Jason J. Thompson, Esq.
Tyler W. Hudson, Esq.
Gregory P. Forney, Esq.
Paul Byrd, Esq.
Jerry Kelly, Esq.
James J. Thompson, Jr., Esq.
Clark W. Mason, Esq.
Nolan Awbrey, Esq.
William R. Sieben, Esq.
Richard M. Paul III, Esq.
David T. Schultz, Esq. (via EFS)