

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

In re: Syngenta Litigation

This Document Related to: ALL ACTIONS

Case Type: Civil Other
Honorable Thomas M. Sipkins

File No.: 27-CV-15-3785

PROPOSED NOTICES TO CONFORM

On September 25, 2015, the Court entered Scheduling Order No. 1, which held that “[a]ny plaintiff wishing to join in one of the consolidated master complaints shall file a notice to conform.” That Order further required that “[o]n or before October 9, 2015, the parties shall meet and confer on a form of notice to conform and a deadline for plaintiffs to file said notice to conform.”

On October 2, 2015, plaintiff filed a consolidated non-class master complaint for producers and non-producers. In accordance with the Court’s September 25, 2015 Scheduling Order No. 1 and the extension granted by the Court’s October 13, 2015 Order, the parties respectfully submit a proposed Notice to Conform to Plaintiffs’ Non-Class Master Complaint for Producer Plaintiffs, attached hereto as Exhibit A, and a proposed Notice to Conform to Plaintiffs’ Non-Class Master Complaint for Non-Producer Plaintiffs, attached hereto as Exhibit B. The parties jointly propose November 19, 2015 as the deadline for plaintiffs to file and serve Notices to Conform.

The parties jointly propose a set of procedures with respect to the Notice to Conform, as set forth in the accompanying Proposed Order.

Date: October 23, 2015

Respectfully Submitted by:

/s/ Lewis A. Remele, Jr.

Lewis A. Remele, Jr. (#0090724)
BASSFORD REMELE PA
33 South Sixth Street, Suite 3800
Minneapolis, Minnesota 55402-3707
Telephone: (612) 333-3000
Facsimile: (612) 333-8829
Email: lremele@bassford.com

Francisco Guerra IV
WATTS GUERRA LLP
Four Dominion Drive, Bldg. 3, Suite 100
San Antonio, Texas 78257
Telephone: (210) 447-0500
Facsimile: (210) 447-0501
Email: fguerra@wattsguerra.com

CO-LEAD COUNSEL FOR PLAINTIFFS

William R. Sieben
SCHWEBEL GOETZ & SIEBEN, P.A.
51st Floor IDS Center
80 S. 8th Street, #5120
Minneapolis, MN 55402
Telephone: (612) 377-7777
Facsimile: (612) 333-6311
Email: bsieben@schwebel.com

Daniel E. Gustafson
GUSTAFSON GLUEK PLLC
Canadian Pacific Plaza
120 South 6th Street, Suite 2600
Minneapolis, MN 55402
Telephone: (612) 333-8844
Facsimile: (612) 339-6622
Email: dgustafson@gustafsongluek.com

CO-LEAD INTERIM CLASS COUNSEL FOR PLAINTIFFS

Date: October 23, 2015

Respectfully Submitted by:

/s/ David T. Schultz

David T. Schultz (#169730)
D. Scott Aberson (#0387143)

MASLON LLP

3300 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Telephone: 612-672-8200
Facsimile: 612-672-8397
david.schultz@maslon.com
scott.aberson@maslon.com

Michael D. Jones (*pro hac vice*)
Edwin John U (*pro hac vice*)
Ragan Naresh (*pro hac vice*)
Patrick Haney (*pro hac vice*)

KIRKLAND & ELLIS, LLP

655 15th Street, NW
Washington, D.C. 20005
Telephone: 202-879-5000
Facsimile: 202-879-5200
michael.jones@kirkland.com
edwin.u@kirkland.com
ragan.naresh@kirkland.com
patrick.haney@kirkland.com

COUNSEL FOR DEFENDANTS

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

In re: Syngenta Litigation

This Document Related to: ALL ACTIONS

Case Type: Civil Other
Honorable Thomas M. Sipkins

File No.: 27-CV-15-3785

**[PROPOSED] ORDER APPROVING
NOTICES TO CONFORM**

WHEREAS, On September 25, 2015, the Court entered Scheduling Order No. 1, which held that “[a]ny plaintiff wishing to join in one of the consolidated master complaints shall file a notice to conform” and further required that “[o]n or before October 9, 2015, the parties shall meet and confer on a form of notice to conform and a deadline for plaintiffs to file said notice to conform”;

WHEREAS, in accordance with that Order and the Court’s subsequent October 13, 2015 Order, the parties have jointly submitted for the Court’s consideration two proposed Notices to Conform and have jointly proposed November 19, 2015 as a deadline for Plaintiffs to file and serve Notices to Conform;

NOW, THEREFORE, IT IS ORDERED that the parties’ proposed Notice to Conform to Plaintiffs’ Non-Class Master Complaint for Producer Plaintiffs, attached hereto as Exhibit A, and a proposed Notice to Conform to Plaintiffs’ Non-Class Master Complaint for Non-Producer Plaintiffs, attached hereto as Exhibit B, are hereby approved and that the deadline for Plaintiffs to file Notices of Conform is November 19, 2015. The Court further orders that the following procedures for the Notices to Conform shall be adopted:

1. For purposes of the Notices to Conform and all other orders of the Court, the term “Producer” shall mean:

an owner, operator, landlord, waterlord, tenant, or sharecropper, who shares in the risk of producing corn and who is entitled to share in the corn crop available for marketing from the farm, as reflected in FSA Form 578, or who is paid cash rent by a farmer for use of his or her land.

The term “Non-Producer” shall mean all Plaintiffs who are not Producers.

2. The Non-Class Master Complaint shall be deemed to amend the individual claims of any Plaintiff who files a Notice to Conform to the Non-Class Master Complaint. Upon service of the Notice to Conform upon Defendants, the amendment of the constituent case to conform to the Non-Class Master Complaint shall be deemed to have been served. Any responsive pleading filed by the Defendant to the Non-Class Master Complaint, whether filed before or after a Notice to Conform by the Plaintiff is filed, shall apply. If a Plaintiff’s constituent complaint names a Defendant that is not named in the Non-Class Master Complaint, then the absent Defendant shall be deemed to have been voluntarily dismissed without prejudice pursuant to Rule 41 of the Minnesota Rules of Civil Procedure. If a Defendant is named in the Non-Class Master Complaint who is not named in the constituent case, by filing a Notice to Conform, the Plaintiff shall be deemed to have added that Defendant to their constituent case pursuant to Rule 21 of the Minnesota Rules of Civil Procedure. If a Plaintiff has not yet filed or served a Complaint, he or she may conform his or her complaint to the Non-Class Master Complaint by filing and serving a complaint and a Notice to Conform on or before November 19, 2015. Any Plaintiff who files suit after November 19, 2015 may conform his or her complaint by filing a Notice to Conform, provided, however, that any Order of the Court related to the Master Non-Class Complaint shall be binding and apply.

3. Plaintiffs have initiated service of the Master Non-Class and Master Class Complaints on the non-U.S. defendants through the Hague Convention, but do not anticipate service to be completed prior to the 60-day deadline set forth in Scheduling Order No. 1. Syngenta does not object to an extension of the deadline, and the deadline for service of the Master Non-Class Complaint and Master Class Complaint on the non-U.S. defendants is hereby extended until and including March 31, 2016. The parties anticipate that the non-U.S. defendants, once properly served under the Hague Convention, would join in the briefing and resulting Order on Defendants' Motions to Dismiss. Any Plaintiff who files a Notice to Conform in this proceeding shall be deemed to have served any foreign defendants upon proper service of the Non-Class Master Complaint, and any amendments thereto, pursuant to the Hague Convention, regardless of whether the Notice to Conform was filed before or after the Non-Class Master Complaint was served.

4. The Court does not intend to revisit issues that already have been decided in these consolidated proceedings. If a plaintiff who is not named in a Master Non-Class Complaint or Master Class Complaint and does not file a Notice to Conform, that does *not* exempt their individual case from the Court's Orders with respect to the Master Complaints. Any Orders issued by the Court that are directed to the Master Non-Class Complaint shall be deemed to apply to all cases to the extent the issues have the same subject-matter as the allegations, claims, and parties in the non-conforming cases. The failure to file an objection within 14 days of an Order explaining why that Order directed to the Master Non-Class Complaint should not apply to his or her non-conforming case, shall be deemed a waiver.

SO ORDERED this __ day of _____, 2015.

BY THE COURT:

Thomas M. Sipkins
Judge of District Court

EXHIBIT A

| I. Violation of Minnesota Substantive Law Allegations | II. Resident State Allegations | State of Column H (III.) Allegations Listed (1-50) |
|---|--------------------------------|--|
| Filing Date | | |
| YES | 27 | 1. Alabama |
| | | 2. Alaska |
| | | 3. Arizona |
| | | 4. Arkansas |
| | | 5. California |
| | | 6. Colorado |
| | | 7. Connecticut |
| | | 8. Delaware |
| | | 9. Florida |
| | | 10. Georgia |
| | | 11. Hawaii |
| | | 12. Idaho |
| | | 13. Illinois |
| | | 14. Indiana |
| | | 15. Iowa |
| | | 16. Kansas |
| | | 17. Kentucky |
| | | 18. Louisiana |
| | | 19. Maine |
| | | 20. Maryland |
| | | 21. Massachusetts |
| | | 22. Michigan |
| | | 23. Minnesota |
| | | 24. Mississippi |
| | | 25. Missouri |
| | | 26. Montana |
| | | 27. Nebraska |
| | | 28. Nevada |
| | | 29. New Hampshire |
| | | 30. New Jersey |
| | | 31. New Mexico |
| | | 32. New York |
| | | 33. North Carolina |
| | | 34. North Dakota |
| | | 35. Ohio |
| | | 36. Oklahoma |
| | | 37. Oregon |
| | | 38. Pennsylvania |
| | | 39. Rhode Island |

| | | | |
|--|--|--|--------------------|
| | | | 40. South Carolina |
| | | | 41. South Dakota |
| | | | 42. Tennessee |
| | | | 43. Texas |
| | | | 44. Utah |
| | | | 45. Vermont |
| | | | 46. Virginia |
| | | | 47. Washington |
| | | | 48. West Virginia |
| | | | 49. Wisconsin |
| | | | 50. Wyoming |

EXHIBIT B

| i. Violation of Minnesota Substantive Law Allegations | ii. Resident State Allegations | State of Column H (iii.) Allegations Listed (1-50) |
|---|--------------------------------|---|
| YES | 27 | 1. Alabama 2. Alaska 3. Arizona 4. Arkansas 5. California 6. Colorado 7. Connecticut 8. Delaware 9. Florida 10. Georgia 11. Hawaii 12. Idaho 13. Illinois 14. Indiana 15. Iowa 16. Kansas 17. Kentucky 18. Louisiana 19. Maine 20. Maryland 21. Massachusetts 22. Michigan 23. Minnesota 24. Mississippi 25. Missouri 26. Montana 27. Nebraska 28. Nevada 29. New Hampshire 30. New Jersey 31. New Mexico 32. New York 33. North Carolina 34. North Dakota 35. Ohio 36. Oklahoma 37. Oregon 38. Pennsylvania 39. Rhode Island 40. South Carolina |

| | | |
|--|-------------------|--|
| | 41. South Dakota | |
| | 42. Tennessee | |
| | 43. Texas | |
| | 44. Utah | |
| | 45. Vermont | |
| | 46. Virginia | |
| | 47. Washington | |
| | 48. West Virginia | |
| | 49. Wisconsin | |
| | 50. Wyoming | |