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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 IN RE: ROUNDUP PRODUCTS LIABILITY
16 LITIGATION

Case No. 3:16-md-02741-VC

17 This document relates to:

MDL No. 2741

18 *Sterling Bates, et al. v. Monsanto Co., et al.*,
Case No. 3:17-cv-03941-VC; *Phillip Cobb, et*
19 *al. v. Monsanto Co., et al.*, Case No. 3:17-cv-
03749-VC; *Gerald R. Feranec, et al. v.*
20 *Monsanto Co., et al.*, Case No. 3:17-cv-
03942-VC; *Lonnie Harvey, et al. v. Monsanto*
21 *Co., et al.*, Case No. 3:17-cv-03750-VC;
Thelma Lewis, et al. v. Monsanto Co., et al.,
22 Case No. 3:17-cv-03747-VC; *Howard*
Montaigne, et al. v. Monsanto Co., et al., Case
23 No. 3:17-cv-03756-VC; *Jafurl Parks, et al. v.*
Monsanto Co., et al., Case No. 3:17-cv-
24 03755-VC; *Joseph Robichaud, et al. v.*
Monsanto Co., et al., Case No. 3:17-cv-
25 03757-VC; *Steve Salvaggio, et al. v.*
Monsanto Co., et al., Case No. 3:17-cv-
26 04253-VC; *Patricia Turner, et al. v.*
Monsanto Co., et al., Case No. 3:17-cv-
27 03746-VC; *Sherlene Ward, et al. v. Monsanto*
Co., et al., Case No. 3:17-cv-03748-VC

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER REGARDING REMAND TO
STATE COURT**

1 Pursuant to Civil L.R. 7-12, Plaintiffs in the eleven above-captioned individual lawsuits
2 and Defendant Monsanto Company (“Monsanto”) hereby stipulate as follows and request entry
3 of the proposed order set forth below:

4 **RECITALS**

5 WHEREAS, Plaintiffs originally filed the eleven above-captioned individual lawsuits in
6 the 22nd Judicial Circuit Court for the City of St. Louis, Missouri (collectively, “Missouri
7 Lawsuits”);

8 WHEREAS Monsanto removed the Missouri Lawsuits to the United States District Court
9 for the Eastern District of Missouri in March 2017, based on federal question jurisdiction and the
10 federal officer removal statute, 28 U.S.C. § 1442(a);

11 WHEREAS, Plaintiffs filed motions to remand the Missouri Lawsuits to the 22nd
12 Judicial Circuit Court for the City of St. Louis, Missouri;

13 WHEREAS, Monsanto filed oppositions to Plaintiffs’ remand motions in certain of the
14 Missouri Lawsuits;

15 WHEREAS, Monsanto has not yet filed oppositions to Plaintiffs’ remand motions in
16 some of the Missouri Lawsuits due to stay orders entered by Eastern District of Missouri judges
17 in those cases;

18 WHEREAS, the Judicial Panel on Multidistrict Litigation transferred the Missouri
19 Lawsuits to this Court for consolidated and/or coordinated pretrial proceedings with other
20 Roundup[®] lawsuits;

21 WHEREAS, Monsanto removed another Roundup[®] lawsuit, *Pennie, et al. v. Monsanto*
22 *Co., et al.*, from California state court to this Court in March 2017;

23 WHEREAS, the bases for Monsanto’s removal of the *Pennie* lawsuit – federal question
24 jurisdiction and the federal officer removal statute, 28 U.S.C. § 1442(a) – are the same bases at
25 issue in Monsanto’s removals of the Missouri Lawsuits;

26 WHEREAS, on July 5, 2017, this Court granted plaintiffs’ Motion to Remand to State
27 Court in *Pennie, et al. v. Monsanto Co., et al.*, Case No. 3:17-cv-01711-VC (N.D. Cal.), ECF
28

1 No. 42; *In re Roundup Prods. Liab. Litig.*, Case No. 3:16-md-02741-VC (N.D. Cal.), ECF No.
2 377 (“*Pennie* Remand Order”);

3 WHEREAS, Plaintiffs in the Missouri Lawsuits and Monsanto hereby agree that the
4 holding in the *Pennie* Remand Order is transferable to the remand motions filed by Plaintiffs in
5 the Missouri Lawsuits;

6 WHEREAS, Monsanto recognizes that the Court’s reasoning set out in the *Pennie*
7 Remand Order also requires remand of the Missouri Lawsuits and that any further objection to
8 remand in these cases would be futile and waste the Court’s and the parties’ time and resources;

9 WHEREAS, in the interests of conserving judicial and litigants’ time and resources,
10 Plaintiffs and Monsanto hereby request that the Court enter the proposed order set forth below to
11 remand the Missouri Lawsuits for the reasons addressed in the *Pennie* Remand Order.

12 **STIPULATION**

13 THEREFORE, Plaintiffs in the eleven above-captioned individual lawsuits and
14 Defendant Monsanto Company hereby stipulate that the *Pennie* Remand Order applies to the
15 remand motions filed by Plaintiffs in the above-captioned lawsuits and request that the Court
16 enter the proposed order set forth below to remand the above-captioned lawsuits to state court for
17 the reasons set forth in the *Pennie* Remand Order, with the parties to bear their own costs and
18 attorneys’ fees.

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DATED: July 31, 2017

Respectfully submitted,

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~~PROPOSED~~ ORDER

Pursuant to the stipulation set forth above, it is hereby ordered that the eleven above-captioned individual lawsuits are remanded to the 22nd Judicial Circuit Court for the City of St. Louis, Missouri for the reasons addressed in the Court’s Order Granting Motion to Remand, *Pennie, et al. v. Monsanto Co., et al.*, Case No. 3:17-cv-01711-VC (N.D. Cal.), ECF No. 42; *In re Roundup Prods. Liab. Litig.*, Case No. 3:16-md-02741-VC (N.D. Cal.), ECF No. 377, with the parties to bear their own costs and attorneys’ fees.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATE: August 3, 2017



THE HONORABLE VINCE CHHABRIA
UNITED STATES DISTRICT JUDGE