

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI**

WALTER WINSTON, *et al.*,

Plaintiffs,

v.

Case No. 1822-CC00515

MONSANTO COMPANY,

Defendant.

**PLAINTIFFS' WITHDRAWAL OF THEIR OPPOSITION TO  
MONSANTO COMPANY'S RENEWED MOTION TO TRANSFER**

COMES NOW, Plaintiffs, by and through their undersigned counsel, and for their Withdrawal of Their Opposition to Monsanto Company's Renewed Motion to Transfer, state as follows:

On March 13, 2019, Plaintiffs filed their Opposition to Defendant Monsanto Company's Renewed Motion to Transfer the *Winston* Plaintiffs to the Circuit Court for the County of St. Louis (County). Plaintiffs hereby withdraw their opposition to Monsanto's motion and consent to the transfer of the *Winston* Plaintiffs to the County. Further, Plaintiffs submit that this withdrawal of their opposition ultimately renders Monsanto's writ petition seeking reversal of the Court's denial of Monsanto's motion to transfer moot.

As such, Plaintiffs submit that the *Winston* plaintiffs should be transferred to the County forthwith and should continue to proceed to trial as scheduled and according to the scheduling order in place. In furtherance thereof, Plaintiffs request that this Court (Hon. Michael K. Mullen) continue to preside over the *Winston* case and trial in the County once transferred. Judicial economy dictates such a result. Judge Mullen has presided over this case since its inception, is familiar with the substantive and procedural issues presented in this case, and has already cleared

his calendar for the trial to begin on October 15<sup>th</sup>. The parties and the Court have worked tirelessly to ensure that case is ready for trial as to each of the plaintiffs by October 15<sup>th</sup>.

Such a result ensures that the trial of the *Winston* petition occurs according to the trial schedules in place. Judges in the County and the City have spent considerable time setting trial schedules, and judges have cleared their calendars for the remainder of this year and the majority of 2020. Thus, given the tens of thousands of plaintiffs' cases pending against Monsanto in St. Louis City and County, it is important to keep the October 15 trial date, as many other trials are scheduled following the *Winston* trial, and those plaintiffs' and attorneys' schedules have also been arranged in the upcoming trials to ensure a timely start to each of the trials. If the *Winston* trial does not begin at or close to its current start date, it could cause a cascade of delays and interfere with the carefully planned Roundup trial schedules of this Court and other judicial officers in the County and St. Louis City.

Finally, it would cause an injustice to the *Winston* plaintiffs if their trial does not timely begin. All of the Plaintiffs have complied with discovery deadlines, and they have arranged their schedules to be present for some, and in some cases all, of the trial. Moreover, arrangements have been made to schedule their travel to St. Louis and to locate accommodations for the Plaintiffs during relevant times of the trial. The just result is for their case to begin in the County in accord with the current schedule.

### **CONCLUSION**

Accordingly, the Plaintiffs hereby withdraw their opposition to Monsanto's Company's Renewed Motion to Transfer the *Winston* plaintiffs and request that this Court continue to preside over the *Winston* case and October 15, 2019 trial in the County.

Respectfully submitted,

**NIEMEYER, GREBEL & KRUSE, LLC**

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing was electronically filed and served upon all counsel of record through the Missouri Electronic Filing System on this 4<sup>th</sup> day of September, 2019.

/s/ Mark R. Niemeyer