

Exhibit A

EXHIBIT A
DEFENDANTS' PROPOSED CASE SUMMARY FOR VOIR DIRE

Ladies and gentlemen of the jury, the Plaintiffs in this case are Bader Farms, Inc. and Bill Bader. Bader Farms is a corporation located in Campbell, Missouri, which is in Dunklin County. Bader Farms' primary business is growing peaches. Bill Bader and his wife, Denise Bader, own Bader Farms. Mr. Bader manages the farming operations at Bader Farms

The Defendants in this case are Monsanto Company and BASF Corporation. Monsanto is headquartered in St. Louis, Missouri. Monsanto is an agriculture company that develops seeds and herbicides and other agricultural products to sell to farmers, retailers, and wholesale distributors.

BASF is headquartered in Florham Park, New Jersey. BASF Corporation's Agricultural Products Group is based in Raleigh, North Carolina. Among other things, BASF develops, markets, and sells herbicides and other agricultural products to retailers, and wholesale distributors.

In 2015, Monsanto began selling cotton seed that is tolerant to the application of dicamba herbicide. The cotton seed is also tolerant to glyphosate and glufosinate herbicides. In 2016, Monsanto also began selling soybean seed that is tolerant to the application of dicamba herbicides. The soybean seed is also tolerant to glyphosate herbicides. These seeds are known as Xtend seeds. Xtend cotton and soybean seed could not be sold in the United States until they were approved for public release by the Animal and Plant Health Inspection Service ("APHIS") which is part of the United States Department of Agriculture, known as the USDA.

Monsanto developed a dicamba based herbicide that can be applied to numerous crops, including as a pre-emergence herbicide or for the application in crop to crops raised from Xtend seed. This herbicide was marketed under the name XtendiMax with VaporGrip.

BASF developed its own new dicamba based herbicide which can be applied to multiple crops, including, but not limited to, application to crops raised from Xtend seed. BASF's herbicide is known as Engenia.

Neither XtendiMax or Engenia could be sold in the United States until they were approved for use by the United States Environmental Protection Agency, known as the EPA. XtendiMax and Engenia were approved by the EPA and were sold by Monsanto and BASF respectively, beginning in 2017.

Plaintiffs contend that beginning in 2015 and 2016, Bader Farms' peach orchards were damaged by dicamba herbicides illegally sprayed over the top of Xtend crops in violation of federal law. Plaintiffs claim the older dicamba herbicide moved "off target" from the Xtend crops onto Plaintiffs' peach orchards, damaging Plaintiffs' peach trees. Plaintiffs allege that Monsanto was negligent in developing and marketing Xtend Seed and XtendiMax with VaporGrip herbicide, failed to adequately warn about the dangers of those products, and failed to adequately train its employees regarding the use of Xtend Seed and XtendiMax with VaporGrip herbicide. Plaintiffs also allege that BASF was negligent in developing and marketing Engenia herbicide, failed to adequately warn about the dangers of the Engenia product and failed to adequately train its employees regarding the use of Engenia. Plaintiffs also allege that Monsanto and BASF were engaged in a joint venture and conspired with one another.

Monsanto denies all of Plaintiffs' allegations and claims. Monsanto believes its products, Xtend cotton and Xtend soybean seeds, and Xtendimax with VaporGrip, are properly designed for their intended use and that purchasers and third parties were adequately warned on the proper use of its products. Monsanto believes it adequately trained its employees. Monsanto denies that it

engaged in any conspiracy or joint venture with BASF. Monsanto denies Plaintiffs have been damaged by the application of dicamba herbicides applied over the top of Xtend crops. Monsanto asserts that any loss suffered by Plaintiffs was caused by a combination of other events including soil disease, hail, frost, applications of other herbicides unrelated to the products at issue in this case, tree disease, insects, and Plaintiffs' own farming practices.

BASF denies all of Plaintiffs' allegations and claims. BASF believes its product Engenia is properly designed for its intended use and that purchasers and third parties were adequately warned on the proper use of its product. BASF believes it adequately trained its employees. BASF also denies that it engaged in any conspiracy or joint venture with Monsanto. BASF denies that Engenia is responsible for any of Plaintiffs alleged damages and asserts that Plaintiffs have failed to offer any evidence that they were damaged by Engenia. BASF asserts that any loss suffered by Plaintiffs was caused by a combination of other events including soil disease, hail, frost, applications of other herbicides unrelated to the products at issue in this case, tree disease, insects, and Plaintiffs' own farming practices.