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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS LIABILITY
LITIGATION

MDL No. 2741

Master Docket Case No. 16-md-02741-VC

THIS DOCUMENT RELATES TO:

Jaime Alvarez Calderon v. Monsanto Company
Case No. 3:19-cv-01630

Honorable Vince Chhabria

UNOPPOSED MOTION TO SUBSTITUTE PARTIES

Comes counsel for Plaintiff, and James Alvarez, Anthony Alvarez, Christian Alvarez, and Catherine Alvarez on behalf of A.A., a minor, on their own behalf, and as Jaime Alvarez Calderon's successors in interest, files this Motion to Substitute Parties pursuant to Federal Rules of Civil Procedure 25(a). In support thereof, James Alvarez, Anthony Alvarez, Christian Alvarez, and Catherine Alvarez on behalf of A.A. state as follows:

1. On December 12, 2020, Jaime Alvarez Calderon passed away during the pendency of this civil action. A redacted copy of the death certificate is attached hereto as Exhibit 1.

2. Pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, James Alvarez, Anthony Alvarez, Christian Alvarez, and Catherine Alvarez on behalf of A.A., a minor, as surviving children and sole beneficiaries of the estate of Jaime Alvarez Calderon, move to be substituted as a party for Jaime Alvarez Calderon.

3. Plaintiff's counsel provided to Monsanto's counsel, Anthony Martinez, this Motion, the Notice of Suggestion of Death, the Motion to File Amended Complaint with Amended Complaint, and the Declarations of Surviving Statutory Beneficiaries. On November 12, 2020, Monsanto's counsel emailed back that "we do not oppose these filings."

4. Pursuant to California Code of Civil Procedure **377.60**, **causes** of action for the recovery of "injury to the person" survive death.

5. James Alvarez, Anthony Alvarez, Christian Alvarez, and Catherine Alvarez on behalf of A.A., a minor, as surviving children are Jaime Alvarez Calderon's sole statutory beneficiaries and therefore, are proper parties for the purposes of filing this Motion. The statutory beneficiaries' declarations are attached in Exhibit 2.

WHEREFORE, and for the reasons set forth herein, James Alvarez, Anthony Alvarez, Christian Alvarez, and Catherine Alvarez on behalf of A.A., a minor, respectfully request this Court grant their Motion for Substitution and move for the style of this action to be changed to: James Alvarez, Anthony Alvarez, Christian Alvarez, and Catherine Alvarez on behalf of A.A., a minor, on their own behalf, and as Jaime Alvarez Calderon's successors in interest, v. Monsanto Company.

Dated this 12th day of November, 2020.

Respectfully Submitted,

GOLDBERG & OSBORNE LLP

/s/ David J. Diamond

David J. Diamond

698 E. Wetmore Rd., Suite 200

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Facsimile: (520) 620-3991

ddiamond@goldbergandosborne.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I, David J. Diamond, hereby certify that on November 12, 2020, the foregoing document was filed via the Court's CM/ECF system, which will automatically serve and send email notification of such filing to all registered attorneys of record.

/s/ David J. Diamond
David J. Diamond

EXHIBIT 1

CERTIFICATION OF VITAL RECORD

OFFICE OF VITAL STATISTICS

COUNTY OF NAPA

3052019254980

NAPA, CALIFORNIA 94558-3721

CERTIFICATE OF DEATH

3201928001227

STATE FILE NUMBER 3052019254980		NAPA, CALIFORNIA 94558-3721 CERTIFICATE OF DEATH STATE OF CALIFORNIA USE BLACK INK ONLY / NO ERASURES, WHITEOUTS OR ALTERATIONS VS-1 (REV. 3/08)		LOCAL REGISTRATION NUMBER 3201928001227	
1. NAME OF DECEDENT - FIRST (Given) JAIME		2. MIDDLE -		3. LAST (Family) ALVAREZ CALDERON	
AKA, ALSO KNOWN AS - Include full AKA (FIRST, MIDDLE, LAST)		4. DATE OF BIRTH mm/dd/yyyy [REDACTED]		5. AGE Yrs. 65 # UNDER ONE YEAR Months Days Hours Minutes	
9. BIRTH STATE/FOREIGN COUNTRY MEXICO		10. SOCIAL SECURITY NUMBER [REDACTED]		11. EVER IN U.S. ARMED FORCES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	
13. EDUCATION - Highest Level/Degree (see worksheet on back) 09		14/15. WAS DECEDENT HISPANIC/LATINO/SPANISH? (If yes, see worksheet on back) <input checked="" type="checkbox"/> YES MEXICAN <input type="checkbox"/> NO		12. MARITAL STATUS/SDOP at time of Death DIVORCED	
17. USUAL OCCUPATION - Type of work for most of life. DO NOT USE RETIRED LANDSCAPER		18. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.) WINERY		16. DECEDENT'S RACE - Up to 3 races may be listed (see worksheet on back) MEXICAN	
20. DECEDENT'S RESIDENCE (Street and number, or location) 3 ALTA LOMA DR.		21. CITY AMERICAN CANYON		22. COUNTY/PROVINCE NAPA	
23. ZIP CODE 94503		24. YEARS IN COUNTY 3		25. STATE/FOREIGN COUNTRY CA	
26. INFORMANT'S NAME, RELATIONSHIP JAMES ALVAREZ, SON		27. INFORMANT'S MAILING ADDRESS (Street and number, or rural route number, city or town, state and zip) 3 ALTA LOMA DR., AMERICAN CANYON, CA 94503			
28. NAME OF SURVIVING SPOUSE/SDOP - FIRST -		29. MIDDLE -		30. LAST (BIRTH NAME) -	
31. NAME OF FATHER/PARENT - FIRST JOSE		32. MIDDLE TRINIDAD		33. LAST ALVAREZ	
34. BIRTH STATE MEXICO		35. NAME OF MOTHER/PARENT - FIRST MARIA		36. MIDDLE NICANOR	
37. LAST (BIRTH NAME) CALDERON		38. BIRTH STATE MEXICO		39. DISPOSITION DATE mm/dd/yyyy 12/19/2019	
40. PLACE OF FINAL DISPOSITION RES: JAMES ALVAREZ, SON 3 ALTA LOMA DR., NAPA, CA 94503		41. TYPE OF DISPOSITION(S) CR/RES		42. SIGNATURE OF EMBALMER NOT EMBALMED	
43. LICENSE NUMBER FD969		44. SIGNATURE OF LOCAL REGISTRAR KAREN RELUCIO, MD		45. DATE mm/dd/yyyy 12/19/2019	
101. PLACE OF DEATH QUEEN OF THE VALLEY MEDICAL CENTER		102. IF HOSPITAL, SPECIFY ONE <input checked="" type="checkbox"/> P <input type="checkbox"/> CR/OP <input type="checkbox"/> DOA <input type="checkbox"/> Hospice		103. IF OTHER THAN HOSPITAL, SPECIFY ONE <input type="checkbox"/> Nursing Home/LTC <input type="checkbox"/> Decedent's Home <input type="checkbox"/> Other	
104. COUNTY NAPA		105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number, or location) 1000 TRANCAS ST.		106. CITY NAPA	
107. CAUSE OF DEATH Enter the chain of events --- diseases, injuries, or complications --- that directly caused death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. (A) RESPIRATORY ARREST (B) ATRIAL FIBRILLATION (C) METASTATIC LYMPHOMA		108. TIME INTERVAL BETWEEN Death and Death (A) MIN (B) HRS (C) MTHS (D) YRS		109. DEATH REPORTED TO CORONER? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 110. BODY PERFORMED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 111. AUTOPSY PERFORMED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 112. USED IN DETERMINING CAUSE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107 NONE		113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? (If yes, list type of operation and date) NO			
114. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED. Decedent Attended Since Decedent Last Seen Alive		115. SIGNATURE AND TITLE OF CORONER KALPANA S RAO M.D.		116. LICENSE NUMBER A82932	
117. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE KALPANA S RAO M.D. # 178 1966 TICE VALLEY BLVD, WALNUT CREEK, CA 94595		118. DATE mm/dd/yyyy 12/18/2019		119. I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED. MANNER OF DEATH: <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined	
120. INJURED AT WORK? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		121. INJURY DATE mm/dd/yyyy		122. HOUR (24 hours)	
123. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)		124. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury)			
125. LOCATION OF INJURY (Street and number, or location, and city, and zip)		126. SIGNATURE OF CORONER / DEPUTY CORONER			
127. DATE mm/dd/yyyy		128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER			
STATE REGISTRAR		A B C D E		FAX AUTH.#	
CENSUS TRACT		"010001004389375"			

CERTIFIED COPY OF VITAL RECORDS
STATE OF CALIFORNIA, COUNTY OF NAPA

This is a true and exact reproduction of the document officially registered and placed on file in the OFFICE OF VITAL STATISTICS, COUNTY OF NAPA HEALTH AND HUMAN SERVICES AGENCY.

DATE ISSUED DEC 20 2019



000198314

KAREN RELUCIO, M.D.
HEALTH OFFICER/DEPUTY DIRECTOR FOR PUBLIC HEALTH

This copy is not valid unless prepared on an engraved border, displaying the date, seal and signature of the County Registrar.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

CANAPA--01

EXHIBIT 2

David J. Diamond, Esq.
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS LIABILITY
LITIGATION

MDL No. 2741

Master Docket Case No. 16-md-02741-VC

THIS DOCUMENT RELATES TO:

Honorable Vince Chhabria

James Alvarez, Anthony Alvarez, Christian
Alvarez, and Catherine Alvarez on behalf of A.A., a
minor, on their own behalf, and as Jaime Alvarez
Calderon's successors in interest,

Case No. 3:19-cv-01630

v.

Monsanto Company

**DECLARATION OF ANTHONY ALVAREZ PURSUANT TO
SECTION 377.32 OF THE CODE OF CIVIL PROCEDURE**

I, Anthony Alvarez, declare as follows:

1. I am over the age of 18 years. I have personal knowledge of the facts contained in this declaration, and if called as a witness I could and would testify competently to the truth of the facts stated herein.

2. I am the son of Jaime Alvarez Calderon, who died on December 12, 2019, at Napa, California.

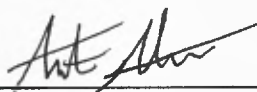
3. No proceeding is now pending in the State of California for administration of the Estate of Jaime Alvarez Calderon.

1 4. I am one of the successors in interest to Jaime Alvarez Calderon, as defined in Section
2 377.11 of the Code of Civil Procedure and together with my three brothers succeed to his interest to the
3 above-entitled proceeding.

4 5. No other person beyond my brothers (who jointly are substituting in with me to pursue our
5 father's survivorship claim in the above-referenced proceeding) and I have a superior right to commence
6 the above-entitled proceeding or to be substituted for Jaime Alvarez Calderon in the above-entitled
7 proceeding.
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9 6. A redacted copy of the death certificate for Jaime Alvarez Calderon is attached hereto as
10 Exhibit A and incorporated herein by reference.

11 I declare under penalty of perjury under the laws of the State of California that the foregoing is
12 true and correct, and that this declaration is executed on the 5th day of September
13 _____, 2020 at Vallejo, California.
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18 Anthony Alvarez
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS LIABILITY
LITIGATION

MDL No. 2741

Master Docket Case No. 16-md-02741-VC

THIS DOCUMENT RELATES TO:

Honorable Vince Chhabria

James Alvarez, Anthony Alvarez, Christian
Alvarez, and Catherine Alvarez on behalf of A.A., a
minor, on their own behalf, and as Jaime Alvarez
Calderon's successors in interest,

Case No. 3:19-cv-01630

v.

Monsanto Company

**DECLARATION OF JAMES ALVAREZ PURSUANT TO
SECTION 377.32 OF THE CODE OF CIVIL PROCEDURE**

I, James Alvarez, declare as follows:

1. I am over the age of 18 years. I have personal knowledge of the facts contained in this
declaration, and if called as a witness I could and would testify competently to the truth of the facts stated
herein.

2. I am the son of Jaime Alvarez Calderon, who died on December 12, 2019, at Napa,
California.

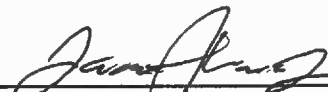
3. No proceeding is now pending in the State of California for administration of the
Estate of Jaime Alvarez Calderon.

1 4. I am one of the successors in interest to Jaime Alvarez Calderon, as defined in
2 Section 377.11 of the Code of Civil Procedure and together with my three brothers succeed to his
3 interest to the above-entitled proceeding.
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5 5. No other person beyond my bothers (who jointly are substituting in with me to
6 pursue our father's survivorship claim in the above-referenced proceeding) and I have a superior
7 right to commence the above-entitled proceeding or to be substituted for Jaime Alvarez Calderon
8 in the above-entitled proceeding.
9

10 6. A redacted copy of the death certificate for Jaime Alvarez Calderon is attached
11 hereto as Exhibit A and incorporated herein by reference.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct, and that this declaration is executed on the 5th day of _____
14 September, 2020 at American Canyon, California.
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James Alvarez
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1 **David J. Diamond, Esq.**
2 **State Bar #010842**
3 **698 E. Wetmore Rd., Suite 200**
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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 **IN RE: ROUNDUP PRODUCTS LIABILITY**
10 **LITIGATION**

MDL No. 2741

Master Docket Case No. 16-md-02741-VC

11 **THIS DOCUMENT RELATES TO:**

Honorable Vince Chhabria

12 James Alvarez, Anthony Alvarez, Christian
13 Alvarez, and Catherine Alvarez on behalf of A.A., a
14 minor, on their own behalf, and as Jaime Alvarez
15 Calderon's successors in interest,

Case No. 3:19-cv-01630

16 v.

17 Monsanto Company

18 **DECLARATION OF CHRISTIAN ALVAREZ PURSUANT TO**
19 **SECTION 377.32 OF THE CODE OF CIVIL PROCEDURE**

20 I, Christian Alvarez, declare as follows:

21 1. I am over the age of 18 years. I have personal knowledge of the facts contained in this
22 declaration, and if called as a witness I could and would testify competently to the truth of the facts stated
23 herein.

24 2. I am the son of Jaime Alvarez Calderon, who died on December 12, 2019, at Napa,
25 California.

26 3. No proceeding is now pending in the State of California for administration of the Estate of
27 Jaime Alvarez Calderon.
28

5. No other person beyond my bothers (who jointly are substituting in with me to pursue our father's survivorship claim in the above-referenced proceeding) and I have a superior right to commence the above-entitled proceeding or to be substituted for Jaime Alvarez Calderon in the above-entitled proceeding.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed on the 4th day of September, 2020 at Napa, California.

Christian Alvarez

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ddiamond@goldbergandosborne.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS LIABILITY
LITIGATION

MDL No. 2741

Master Docket Case No. 16-md-02741-VC

THIS DOCUMENT RELATES TO:

Honorable Vince Chhabria

James Alvarez, Anthony Alvarez, Christian
Alvarez, and Catherine Alvarez on behalf of A.A., a
minor, on their own behalf, and as Jaime Alvarez
Calderon's successors in interest,

Case No. 3:19-cv-01630

v.

Monsanto Company

**DECLARATION OF CATHERINE ALVAREZ ON BEHALF OF A.A., A MINOR
PURSUANT TO SECTION 377.32 OF THE CODE OF CIVIL PROCEDURE**

I, Catherine Alvarez, on behalf of A.A., a minor, declare as follows:

1. I am over the age of 18 years. I have personal knowledge of the facts contained in this
declaration, and if called as a witness I could and would testify competently to the truth of the facts stated
herein.

2. A.A. is the son of Jaime Alvarez Calderon, who died on December 12, 2019, at Napa,
California.

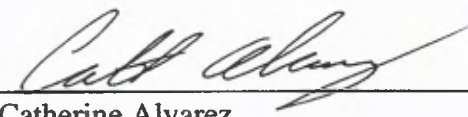
3. No proceeding is now pending in the State of California for administration of the Estate of
Jaime Alvarez Calderon.

1 4. A.A. is one of the successors in interest to Jaime Alvarez Calderon, as defined in Section
2 377.11 of the Code of Civil Procedure and together with his three brothers succeed to his interest in the
3 above-entitled proceeding.

4 5. No other person beyond A.A.'s brothers (who jointly are substituting in with A.A. to pursue
5 their father's survivorship claim in the above-referenced proceeding) and A.A. have a superior right to
6 commence the above-entitled proceeding or to be substituted for Jaime Alvarez Calderon in the above-
7 entitled proceeding.

8 6. A redacted copy of the death certificate for Jaime Alvarez Calderon is attached hereto as
9 Exhibit A and incorporated herein by reference.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing is
11 true and correct, and that this declaration is executed on the 4 day of September
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13 _____, 2020 at Napa, California.

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17 Catherine Alvarez
18 On behalf of A.A., a minor
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: ROUNDUP PRODUCTS
LIABILITY LITIGATION

MDL No. 2741

Master Docket Case No. 16-md-02741-VC

Honorable Vince Chhabria

THIS DOCUMENT RELATES TO:

Jaime Alvarez Calderon,

Plaintiff,

v.

Monsanto Company,

Defendant.

Case No. 3:19-cv-01630

[PROPOSED] ORDER

1. Counsel for Plaintiff's Motion is Granted.
2. James Alvarez, Anthony Alvarez, Christian Alvarez, and Catherine Alvarez on behalf of A.A., a minor, are hereby substituted in place of Jaime Alvarez Calderon.
3. Accordingly, the Plaintiff caption shall be amended as follows: "James Alvarez, Anthony Alvarez, Christian Alvarez, and Catherine Alvarez on behalf of A.A., a minor, on their own behalf, and as Jaime Alvarez Calderon's successors in interest, v. Monsanto Company."

Dated _____

Honorable Judge Vincent Chhabria
United States District Court Judge