

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

HENRY HOLYFIELD and
TARA HOLYFIELD,

Plaintiff,

v.

CHEVRON U.S.A. Inc., et al.,

Defendant.

No. 1:20-CV-00165-JAR

**SYNGENTA CROP PROTECTION AND SYNGENTA CORPORATION'S
MOTION TO DISMISS**

Defendants Syngenta Crop Protection and Syngenta Corp. (“Syngenta”)¹ move under Federal Rule of Civil Procedure 12(b)(6) to dismiss the Amended Complaint (Dkt. 22) for failure to state a claim upon which relief can be granted. Alternatively, Syngenta requests that the Court dismiss the Amended Complaint or stay this action under the doctrine of primary jurisdiction. In support thereof, Syngenta submits the accompanying Memorandum. Pursuant to E.D. Mo. Rule 4.02(B), Syngenta respectfully requests oral argument on this Motion, for the reasons stated in the accompanying Request for Oral Argument.

WHEREFORE, Syngenta respectfully requests that the Amended Complaint be dismissed in its entirety, with prejudice, and without leave to amend, or alternatively that the action be stayed.

¹ Syngenta AG is named in the Amended Complaint as a defendant, but has not been served.

September 9, 2020

Respectfully submitted,

Syngenta Crop Protection, LLC
Syngenta Corporation,

By: /s/ Michael J. Nester
One of Defendant's Attorneys

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CERTIFICATE OF SERVICE

I, Michael J. Nester, an attorney, on oath hereby certify that on September 9, 2020, I electronically filed the foregoing **Syngenta Crop Protection and Syngenta Corporation's Motion to Dismiss** with the Clerk of the United States District Court, Eastern District of Missouri, Eastern Divisions, using the Court's ECF filing system.

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/s/ Michael J. Nester
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