

1 Plaintiffs seek a blanket exclusion of any evidence or argument regarding their retention
2 of their attorneys and any advertising by their attorneys regarding the Roundup litigation.
3 Monsanto agrees that it will not introduce any such evidence or argument in Phase 1 of the trial.
4 For Phase 2, Monsanto agrees not to introduce any testimony or argument regarding any
5 contingency or other fee arrangement between Plaintiffs and their counsel and also agrees not
6 to state that the litigation is “lawyer-driven.”

7 But Monsanto respectfully submits that it would be improper to allow Plaintiffs to argue
8 or imply in Phase 2 that Monsanto disseminated misinformation or misleading information to
9 the public regarding Roundup, if the jury also does not hear about Plaintiffs’ counsel’s publicity
10 campaign regarding Roundup, including advertising and public statements. *See* Monsanto MIL
11 No. 6 (Public Relations Activities). The aggressive publicity campaign by Plaintiffs’ counsel in
12 the Roundup litigation is well-documented, and it would unfairly prejudice Monsanto to allow
13 Plaintiffs to introduce one-sided and misleading argument regarding Monsanto’s public
14 statements that obscures the full picture about why those statements were necessary and what
15 statements they were countering. In any event, attorney advertising to the public and public
16 statements by attorneys do not implicate the attorney-client privilege, which is the main concern
17 expressed in Plaintiffs’ motion.

18 Finally, Monsanto should be permitted to ask jurors, during *voir dire*, about their exposure
19 to attorney advertising regarding Roundup.
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DATED: January 30, 2019

Respectfully submitted,

/s/ Brian L. Stekloff

Brian L. Stekloff (*pro hac vice*)
(bstekloff@wilkinsonwalsh.com)
Rakesh Kilaru (*pro hac vice*)
(rkilaru@wilkinsonwalsh.com)
WILKINSON WALSH + ESKOVITZ LLP
2001 M St. NW, 10th Floor
Washington, DC 20036
Tel: 202-847-4030
Fax: 202-847-4005

Pamela Yates (CA Bar No. 137440)
(Pamela.Yates@arnoldporter.com)
ARNOLD & PORTER KAYE SCHOLER LLP
777 South Figueroa St., 44th Floor
Los Angeles, CA 90017
Tel: 213-243-4178
Fax: 213-243-4199

Eric G. Lasker (*pro hac vice*)
(elasker@hollingsworthllp.com)
HOLLINGSWORTH LLP
1350 I St. NW
Washington, DC 20005
Tel: 202-898-5843
Fax: 202-682-1639

Michael X. Imbroscio (*pro hac vice*)
(mimbroscio@cov.com)
COVINGTON & BURLING LLP
One City Center
850 10th St. NW
Washington, DC 20001
Tel: 202-662-6000

Attorneys for Defendant
MONSANTO COMPANY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of January 2019, a copy of the foregoing was served via electronic mail to opposing counsel.

/s/ Brian L. Stekloff

1 Leland H. Belew (SBN 293096)
leland@andrusanderson.com
 2 Lori E. Andrus (SBN 205816)
lori@andrusanderson.com
 3 Jennie Lee Anderson (SBN 203586)
jennie@andrusanderson.com
 4 **ANDRUS ANDERSON LLP**
 5 155 Montgomery Street, Suite 900
 San Francisco, CA 94104
 6 Telephone: (415) 986-1400
 Facsimile: (415) 986-1474
 7

8 Aimee Wagstaff (SBN 278480)
aimee.wagstaff@andruswagstaff.com
 9 **ANDRUS WAGSTAFF, PC**
 7171 West Alaska Drive
 10 Lakewood, CO 80226
 Telephone: (303) 376-6360
 11 Facsimile: (303) 376-6361

12 *Attorneys for Plaintiffs*

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION
 16

17 IN RE: ROUNDUP PRODUCTS
 18 LIABILITY LITIGATION

Case No. 3:16-md-02741-VC
 MDL No. 2741

19 This document relates to:

ECF ATTESTATION

20 *Hardeman v. Monsanto Co., et al.,*
 21 3:16-cv-0525-VC

22 *Stevick v. Monsanto Co., et al.,*
 23 3:16-cv-2341-VC

24 *Gebeyehou v. Monsanto Co., et al.,*
 25 3:16-cv-5813-VC
 26

1 Pursuant to Civil L.R. 5-1(i)(3), the filing attorney attests he has obtained concurrence regarding
2 the documents submitted in this filing from the signatories therein.

3
4 Date: January 30, 2019

By: /s/ Leland H. Belew
Leland H. Belew

5 Leland H. Belew (SBN 293096)

6 leland@andrusanderson.com

7 Lori E. Andrus (SBN 205816)

8 lori@andrusanderson.com

9 Jennie Lee Anderson (SBN 203586)

10 jennie@andrusanderson.com

11 **ANDRUS ANDERSON LLP**

12 155 Montgomery Street, Suite 900

13 San Francisco, CA 94104

14 Telephone: (415) 986-1400

15 Facsimile:(415) 986-1474

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18
19
20
21
22
23
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26
27
28
*Co-Liaison Counsel for Plaintiffs in MDL
No. 2741*