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9 Attorneys for Plaintiffs, MARIE BERNICE DINNER  
10 And BRUCE DINNER

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 IN RE: ROUNDUP PRODUCTS ) MDL: 2741  
14 LIABILITY LITIGATION )  
15 )  
16 MARIE BERNICE DINNER and BRUCE ) Case Number: 16-MD-02741-VC  
17 DINNER )  
18 ) **MOTION FOR LEAVE OF COURT TO**  
19 Plaintiffs, ) **AMEND COMPLAINT**  
20 )  
21 )  
22 vs. )  
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24 MONSANTO COMPANY, )  
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PLAINTIFFS, Marie Bernice Dinner and Bruce Dinner, through their attorney, Beth Klein of Klein & Frank, P.C., files Plaintiffs' Motion for Leave of Court to Amend Complaint. As grounds for this Motion, Plaintiffs state as follows:

CERTIFICATE OF CONFERRAL

Undersigned counsel conferred with counsel for the Defendant concerning this motion, and the parties cannot reach an agreement.

1. Plaintiffs filed their Complaint on April 22, 2020 in the U.S. District Court for the District of Colorado.

1           2.       A Conditional Transfer Order was entered by the U.S. District Court of Colorado  
2 on May 4, 2020 transferring this case to the U.S. District Court for the Northern District of  
3 California pursuant to 28 U.S.C. § 1407. *See* 214 F. Supp. 3d 1346 9J.P.M.L. 2016).

4           3.       Marie Bernice Dinner passed away on June 2, 2020 from Non-Hodgkin's  
5 Lymphoma. Her Death Certificate is attached as Exhibit A.

6           4.       A Suggestion of Death Upon the Record Under Rule 25(a)(1) and Motion for  
7 Substitution was filed on August 8, 2020. The Motion was not opposed.

8           5.       As a result of Marie Bernice Dinner's death, claims for wrongful death and  
9 survival action must now be asserted in her pending Civil Complaint against Defendant.

10          6.       Plaintiffs' Amended Complaint asserting claims for wrongful death and survival  
11 is attached as Exhibit B.

12          7.       No party will be prejudiced by this amendment, nor will it delay the case, and it  
13 serves the needs of justice.

14           WHEREFORE, Plaintiffs respectfully request that this Court enter the proposed order  
15 permitting Plaintiffs to file an amended complaint to include acclaim for wrongful death and  
16 survival action. Plaintiff further requests that the Amended Complaint be deemed filed as of the  
17 granting of this motion.

18  
19 Dated: September 9, 2020

KLEIN & FRANK, P.C.

*A duly signed original is on file at  
Klein & Frank, P.C.*

20  
21 s/ Beth Klein

Beth Klein  
Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of September, 2020, the foregoing Motion for Leave of Court to Amend Complaint was served on all parties of record by means of electronic filing via the Electronic Case Filing (ECF) system.

Anthony R. Martinez  
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1350 I Street NW  
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KLEIN & FRANK, P.C.

*A duly signed original is on file at  
Klein & Frank, P.C.*

*s/ Sharon Shibata*

Sharon Shibata  
Paralegal