

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS
LIABILITY LITIGATION

MDL No. 2741

Case No. 16-md-02741-VC

This document relates to:

ALL ACTIONS

Stevick v. Monsanto Co., 3:16-cv-02341

**PRETRIAL ORDER NO. 149:
ORDER RE MOTIONS TO DISMISS AND
UPCOMING DEADLINES**

1. With respect to Monsanto's Ninth Amended Motion to Dismiss, Dkt. No. 3833, the following plaintiffs are dismissed with prejudice for failure to prosecute: Tracy Magee (17-cv-5547), Ralph Applegate (18-cv-3363), Rosetta Boblitz (18-cv-0993), Deanna Gelder (18-cv-0815), William Ginger (18-cv-4552), Robert Koehn (17-cv-5161), Sara Partee (17-cv-7365), Joseph Ruffin (18-cv-1085), and Patricia Wiseman (18-cv-5495).

Plaintiff Ronald Brook (17-cv-6902) has 30 days from the date of this order to submit his Plaintiff Fact Sheet in accordance with the procedures outlined in Pretrial Order No. 50. If he fails to do so, his case will be dismissed with prejudice.

Because it appears that plaintiff John Otts is only a member of *Smith v. Monsanto* (17-cv-2142), the Court will defer ruling on the motion to dismiss for his case until after the pending motion to remand has been resolved. If either party is aware that Otts has filed a second, independent action, they should file a notice on the docket identifying the case number for that action.

2. With respect to Monsanto's Eighth Amended Motion to Dismiss, Dkt. No. 3831, plaintiff's counsel is directed to file any opposition to the motion to dismiss Rafael Castro (18-cv-3959), Anthony Mocerri (18-cv-3558), Dave Flynn (18-cv-6551), and Delbert Lee Brooks (18-cv-

7558) within 14 days of this order. The matter will then be deemed submitted unless the Court informs the parties otherwise.

3. The Court will issue a separate written order on the pending motions to remand.

4. As of May 22, 2019, the discovery stay is lifted for the cases filed in California, as well as for any cases that both sides agree are governed by California law.

5. The multi-plaintiff complaints in the MDL will need to be severed, and each plaintiff will need to file an individual short form complaint. The timeline and details for doing so will be addressed at the June 4, 2019, case management conference.

6. A hearing on Monsanto's post-trial motion is scheduled for July 2, 2019, at 1:00 p.m.

7. The trial for *Stevick v. Monsanto* (16-cv-2341) is scheduled to begin on February 10, 2020. Jury selection will begin on February 5, 2020.

IT IS SO ORDERED.

Date: June 3, 2019



VINCE CHHABRIA
United States District Judge