

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:

Carson v. Monsanto Company et al.,
Case No. 3:20-cv-06238

**PRETRIAL ORDER NO. 248:
DENYING MOTION TO REMAND IN
LIGHT OF FRAUDULENT JOINDER**

Re: Dkt. No. 11880

Carson's motion to remand is denied because all the non-diverse defendants in this suit were fraudulently joined.

1. Wilbur-Ellis Nutrition and Wilbur-Ellis Company were fraudulently joined for the reasons set out in Amended Pretrial Order No. 244, *In re: Roundup Products Liability Litigation*, No. 16-md-2741, 2021 WL 4186714 (N.D. Cal. Sept. 15, 2021).

2. Carson cannot defeat diversity using Doe defendants. In determining whether an action is diverse for the purposes of diversity jurisdiction, "the citizenship of defendants sued under fictitious names shall be disregarded." 28 U.S.C. § 1441(b)(1); *see Bryant v. Ford Motor Co.*, 886 F.2d 1526, 1528 (9th Cir. 1989).

IT IS SO ORDERED.

Dated: September 23, 2021



VINCE CHHABRIA
United States District Judge