

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS  
LIABILITY LITIGATION

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This document relates to:  
*Miller v. Monsanto, Case No. 21-cv-4219*

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

**PRETRIAL ORDER NO. 256:  
DENYING MOTION TO REINSTATE  
PREFERENTIAL TRIAL SETTING**

Re: Dkt. 13; MDL Dkt. 13708

Miller originally brought his claims in California state court. California rules of procedure enable litigants to ask for a preferential trial setting, which in effect puts their case on a fast track. While in state court, Miller requested a preferential trial setting, and the state court judge granted the request due to Miller's advanced age and poor health. After that happened, Monsanto removed the case to federal court, where it joined the numerous other cases against Monsanto that have been consolidated into this MDL. Miller now asks for the preferential trial setting to be reinstated here.

In contrast to California rules of procedure, no analogous rule of federal procedure provides for expedited proceedings. Instead, Miller asks the Court to exercise its discretion to manage its docket and to reinstate the accelerated timeline for Miller's case. The Court declines to do so. The main reason for accelerating the proceedings is that Miller may not be able to testify at trial due to his age and health, but that concern is best addressed through a trial preservation deposition. In addition, the unfortunate reality is that many of the plaintiffs in this MDL are elderly and/or have serious health conditions, making it very difficult to determine

whether one plaintiff's case should truly receive priority over others. For these reasons, Miller's request to expedite his case is denied, but the parties are ordered to take Miller's trial preservation deposition within 28 days of this order.

**IT IS SO ORDERED.**

Dated: November 4, 2021

A handwritten signature in black ink, appearing to read 'Vince Chhabria', is written above a horizontal line.

VINCE CHHABRIA  
United States District Judge