

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

In Re: Syngenta AG MIR162)
Corn Litigation)
) **MDL No. 2591**
)
This document relates to:) **Case No. 2:14-md-2591-JWL-JPO**
All Cases)

**ORDER APPROVING NEW NOTICES TO CONFORM
TO MASTER COMPLAINTS**

On March 10, 2015, the Court entered an Order Relating to Consolidated Pleadings. *See* ECF No. 287. That Order held that Plaintiffs, through Co-Lead Counsel, may file one or more “substantive” consolidated amended complaints pursuant to Rule 42(a)(3), denominating each complaint as a “Master Complaint” and identifying the plaintiffs to whom it applies (*e.g.*, Producers, Non-Producers, or some subset thereof). The Court further ordered that the Master Complaint shall be deemed to amend the individual claims of any Plaintiff who files a Notice to Conform to the appropriate Master Complaint on the MDL docket and in their constituent case. Upon service of the Notice to Conform to Defendants via ECF (for all Defendants who are parties to the MDL and who are, or whose counsel are, registered on ECF), the amendment of the constituent case to conform to the Master Complaint will be deemed to have been served on Defendants.

The Court previously approved two Notices to Conform. ECF No. 386. Subsequently, Plaintiffs filed three new Master Complaints: one on behalf of Non-Producer Plaintiffs (ECF No. 451), a second on behalf of Producer Plaintiffs (ECF 450); and a third on behalf of Milo Producers (ECF No. 452). Co-Lead Counsel for Plaintiffs drafted new proposed Notices for these new Master Complaints and circulated these Notices to Defendants, who are unopposed to

these new Notices.

The Court hereby approves these three Notices to Conform: the Notice to Conform to Producer Plaintiffs' Amended Class Action Master Complaint, which is attached as Exhibit A; the Notice to Conform to Non-Producer Plaintiffs' Amended Master Class Action Complaint, which is attached as Exhibit B; and the Notice to Conform to Milo Producer Plaintiffs' Master Complaint, which is attached as Exhibit C.

Dated: June 3, 2015

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge

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**NOTICE TO CONFORM TO PRODUCER PLAINTIFFS’
AMENDED CLASS ACTION MASTER COMPLAINT**

Plaintiff _____ files this Notice to Conform to Plaintiff’s Amended Master Complaint (“Notice to Conform”) directed at Producer Plaintiffs’ Amended Class Action Master Complaint (Dkt. 450) as permitted and approved by the Court’s Order Relating to Consolidated Pleadings (Dkt. 287). Upon filing of this Notice, Plaintiff’s constituent case styled as:

_____, is deemed amended to conform to the general factual allegations, requested damages, and jury trial demand set forth in Plaintiffs’ Amended Master Complaint. Plaintiff acknowledges that for purposes of the above-captioned case this Notice and the Amended Master Complaint shall be deemed together to be the operative pleading pursuant to Fed. R. Civ. P. 7(a)(1).

VENUE

1. Plaintiff filed his/her/its constituent case or had removed to in the U.S. District Court for the _____. Venue for remand and trial is therefore appropriate in the above-named District.

IDENTIFICATION OF PLAINTIFF IF INDIVIDUAL

2. Plaintiff _____, is a resident and citizen of

_____.

[If not applicable leave blank]

IDENTIFICATION OF PLAINTIFF IF BUSINESS

3. Plaintiff _____, is incorporated in _____, and maintains its principal place of business in _____ County, _____.

[If not applicable leave blank]

PLAINTIFF SPECIFIC FACTUAL ALLEGATIONS

4. Plaintiff planted _____ acres of corn in 2013 in _____ County, _____. Plaintiff planted _____ acres of corn in 2014 in _____ County, _____.

5. Plaintiff [has / has not] knowingly purchased or planted Agrisure Viptera® corn.

6. Plaintiff [has / has not] knowingly purchased or planted Agrisure Duracade™ corn.

CAUSES OF ACTION

7. Plaintiff hereby adopts and incorporates by reference as if set forth fully herein, the following causes of action set forth in Producer Plaintiffs’ Class Action Master Complaint (Dkt. 450) on file with the Clerk of the Court for the U.S. District Court for the District of Kansas in the matter entitled *In Re: Syngenta AG MIR162 Corn Litigation*, MDL No. 2591

[check all that apply]:

- Count I – Violation of the Lanham Act
- Count II and Count XXXIV – Violation of Minn. Stat. §§ 325D.13 and 325F.69

Negligence, specify law of applicable state:

- | | |
|--|---|
| <input type="checkbox"/> Count III – Alabama | <input type="checkbox"/> Count XXXV – Mississippi |
| <input type="checkbox"/> Count VII – Arkansas | <input type="checkbox"/> Count XXXVIII – Missouri |
| <input type="checkbox"/> Count XI – Colorado | <input type="checkbox"/> Count XLI – Nebraska |
| <input type="checkbox"/> Count XIV – Illinois | <input type="checkbox"/> Count XLV – North Carolina |
| <input type="checkbox"/> Count XVII – Indiana | <input type="checkbox"/> Count XLIX – North Dakota |
| <input type="checkbox"/> Count XX – Iowa | <input type="checkbox"/> Count LIV – Ohio |
| <input type="checkbox"/> Count XXII – Kansas | <input type="checkbox"/> Count LVII – Oklahoma |
| <input type="checkbox"/> Count XXV – Kentucky | <input type="checkbox"/> Count LX – South Dakota |
| <input type="checkbox"/> Count XXVII – Louisiana | <input type="checkbox"/> Count LXII – Tennessee |
| <input type="checkbox"/> Count XXIX – Michigan | <input type="checkbox"/> Count LXVI – Texas |
| <input type="checkbox"/> Count XXXI – Minnesota | <input type="checkbox"/> Count LXIX – Wisconsin |

Tortious Interference [with Business / Business Expectancy / Business or Contractual Relations], specify law of applicable state:

- | | |
|---|---|
| <input type="checkbox"/> Count IV – Alabama | <input type="checkbox"/> Count LII – North Dakota |
| <input type="checkbox"/> Count VIII – Arkansas | <input type="checkbox"/> Count LVIII – Oklahoma |
| <input type="checkbox"/> Count XVIII – Indiana | <input type="checkbox"/> Count LXIII – Tennessee |
| <input type="checkbox"/> Count XXXIX – Missouri | |

Trespass to Chattels / Personal Property / Damage to Movable, specify law of applicable state:

- | | |
|--|--|
| <input type="checkbox"/> Count V – Alabama | <input type="checkbox"/> Count XV – Illinois |
| <input type="checkbox"/> Count IX – Arkansas | <input type="checkbox"/> Count XIX – Indiana |
| <input type="checkbox"/> Count XIII – Colorado | <input type="checkbox"/> Count XXI – Iowa |

- | | |
|---|---|
| <input type="checkbox"/> Count XXIV – Kansas | <input type="checkbox"/> Count XLVII – North Carolina |
| <input type="checkbox"/> Count XXVI – Kentucky | <input type="checkbox"/> Count LI – North Dakota |
| <input type="checkbox"/> Count XXVIII – Louisiana | <input type="checkbox"/> Count LV – Ohio |
| <input type="checkbox"/> Count XXX – Michigan | <input type="checkbox"/> Count LIX – Oklahoma |
| <input type="checkbox"/> Count XXXII – Minnesota | <input type="checkbox"/> Count LXI – South Dakota |
| <input type="checkbox"/> Count XXXVII – Mississippi | <input type="checkbox"/> Count LXIV – Tennessee |
| <input type="checkbox"/> Count XL – Missouri | <input type="checkbox"/> Count LXVII – Texas |
| <input type="checkbox"/> Count XLIII – Nebraska | <input type="checkbox"/> Count LXX – Wisconsin |

Private Nuisance / Qualified Nuisance, specify law of applicable state:

- | | |
|--|--|
| <input type="checkbox"/> Count VI – Alabama | <input type="checkbox"/> Count XLVIII – North Carolina |
| <input type="checkbox"/> Count X – Arkansas | <input type="checkbox"/> Count L – North Dakota |
| <input type="checkbox"/> Count XXIII – Kansas | <input type="checkbox"/> Count LVI – Ohio |
| <input type="checkbox"/> Count XXXIII – Minnesota | <input type="checkbox"/> Count LXV – Tennessee |
| <input type="checkbox"/> Count XXXVI – Mississippi | <input type="checkbox"/> Count LXVIII – Texas |
| <input type="checkbox"/> Count XLII – Nebraska | <input type="checkbox"/> Count LXXI – Wisconsin |

Violation of Applicable State Consumer Fraud / Consumer Protection / Unfair and Deceptive Trade Practices Statute:

- Count XII - Colorado Consumer Protection Act, Colo. Rev. Stat. § 6-1-101, *et seq.*
- Count XVI - Illinois Consumer Fraud and Deceptive Business Practices Act, 815 Ill. Comp. Stat. 505/1, *et seq.*
- Count XLIV - Nebraska Consumer Protection Act, Neb. Rev. Stat. § 59-1602, *et seq.*
- Count XLVI - North Carolina Unfair and Deceptive Trade Practices Act, N.C. Gen Stat. § 75-1.1, *et seq.*

Count LIII - North Dakota Unfair Trade Practices and Consumer Protection Law, N.D. Code Ann. § 51-15-01, *et seq.*

Plaintiff's constituent case shall be deemed subject to any relevant responsive pleading filed by one or more Defendants to Producer Plaintiffs' Amended Class Action Master Complaint, including answers and motions to dismiss any of the causes of action marked above. By way of filing this notice, Plaintiff shall not be deemed to have adopted any class-action allegations set forth in the Amended Master Complaint or waived any right to object to class certification or opt out of any certified class. This Notice also does *not* serve as a request for exclusion of any class that the Court may certify.

Dated this the ____ day of _____, 2015.

Respectfully submitted,
Counsel for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
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All Cases)	

**NOTICE TO CONFORM TO NON-PRODUCER PLAINTIFFS’
AMENDED MASTER CLASS ACTION COMPLAINT**

Plaintiff _____ files this Notice to Conform to Plaintiff’s Amended Master Complaint (“Notice to Conform”) directed at Non-Producer Plaintiffs’ Amended Master Class Action Complaint (Dkt. 451) as permitted and approved by the Court’s Order Relating to Consolidated Pleadings (Dkt. 287). Upon filing of this Notice, Plaintiff’s constituent _____ case _____ styled _____ as: _____, is deemed amended to conform to the general factual allegations, requested damages, and jury trial demand set forth in Plaintiffs’ Amended Master Complaint. Plaintiff acknowledges that for purposes of the above-captioned case this Notice and the Amended Master Complaint shall be deemed together to be the operative pleading pursuant to Fed. R. Civ. P. 7(a)(1).

VENUE

1. Plaintiff filed his/her/its constituent case in or had removed to the U.S. District Court for the _____. Venue for remand and trial is therefore appropriate in the above-named District.

IDENTIFICATION OF PLAINTIFF IF INDIVIDUAL

2. Plaintiff _____, is a resident and citizen of

_____.

[If not applicable leave blank]

IDENTIFICATION OF PLAINTIFF IF BUSINESS

3. Plaintiff _____, is incorporated in _____, and maintains its principal place of business in _____ County, _____.

[If not applicable leave blank]

PLAINTIFF SPECIFIC FACTUAL ALLEGATIONS

4. Plaintiff is the following type of Non-Producer:

“Grain Elevator” defined as all U.S. grain elevators that, since January 1, 2013, purchased commodity corn and then sold commodity corn down the commodity corn supply chain;

“Transporter” defined as all persons and entities who, since January 1, 2013, prepared, transported or loaded U.S. commodity corn or DDGS owned by others;

“Exporter” defined as all persons and entities who, since January 1, 2013, exported, were in the process of exporting, or were engaged in the business of exporting, U.S. commodity corn or DDGS on a commercial basis;

Other person or entity who, since January 1, 2013, prepared, stored, transported, loaded, exported, sold or purchased for resale, on a commercial basis, U.S. commodity corn or DDGS produced by others, please describe

5. Plaintiff ___[has / has not]___ knowingly accepted Agrisure Viptera® corn for resale.

6. Plaintiff ___[has / has not]___ knowingly accepted Agrisure Duracade™ corn for resale.

CAUSES OF ACTION

7. Plaintiff hereby adopts and incorporates by reference as if set forth fully herein, the following causes of action set forth in Non-Producer Plaintiffs’ Amended Master Class Action Complaint (Dkt. 451) on file with the Clerk of the Court for the U.S. District Court for the District of Kansas in the matter entitled *In Re: Syngenta AG MIR162 Corn Litigation*, MDL No. 2591 [check all that apply]:

- Count I – Violation of the Lanham Act
- Count II – Violation of Minn. Stat. §§ 325D.13 and 325F.69
- Count III – Trespass to Chattels / Movable
- Count IV – Negligence

Plaintiff’s constituent case shall be deemed subject to any relevant responsive pleading filed by one or more Defendants to Non-Producer Plaintiffs’ Amended Master Class Action Complaint, including answers and motions to dismiss any of the causes of action marked above. By way of filing this notice, Plaintiff shall not be deemed to have adopted any class-action allegations set forth in the Master Complaint or waived any right to object to class certification or opt out of any certified class. This Notice also does *not* serve as a request for exclusion of any class that the Court may certify.

Dated this the ____ day of _____, 2015.

Respectfully submitted,

Counsel for Plaintiff

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**NOTICE TO CONFORM TO MILO PRODUCER
PLAINTIFFS' MASTER COMPLAINT**

Plaintiff _____ files this Notice to Conform to Plaintiff's Master Complaint ("Notice to Conform") directed at Milo Producer Plaintiffs' Master Complaint (Dkt. 452) as permitted and approved by the Court's Order Relating to Consolidated Pleadings (Dkt. 287). Upon filing of this Notice, Plaintiff's constituent case styled as:

_____, is deemed amended to conform to the general factual allegations, requested damages, and jury trial demand set forth in Milo Producer Plaintiffs' Master Complaint. Plaintiff acknowledges that for purposes of the above-captioned case this Notice and the Master Complaint shall be deemed together to be the operative pleading pursuant to Fed. R. Civ. P. 7(a)(1).

VENUE

1. Plaintiff filed his/her/its constituent case or had removed to in the U.S. District Court for the _____. Venue for remand and trial is therefore appropriate in the above-named District.

IDENTIFICATION OF PLAINTIFF IF INDIVIDUAL

2. Plaintiff _____, is a resident and citizen of _____.

[If not applicable leave blank]

IDENTIFICATION OF PLAINTIFF IF BUSINESS

3. Plaintiff _____, is incorporated in _____, and maintains its principal place of business in _____ County, _____.

[If not applicable leave blank]

PLAINTIFF SPECIFIC FACTUAL ALLEGATIONS

4. Plaintiff planted _____ acres of milo in 2013 in _____ County, _____. Plaintiff planted _____ acres of milo in 2014 in _____ County, _____.

5. Plaintiff [has / has not] knowingly purchased or planted Agrisure Viptera® corn.

6. Plaintiff [has / has not] knowingly purchased or planted Agrisure Duracade™ corn.

CAUSES OF ACTION

7. Plaintiff hereby adopts and incorporates by reference as if set forth fully herein, the following causes of action set forth in Milo Producer Plaintiffs’ Master Complaint (Dkt. 452) on file with the Clerk of the Court for the U.S. District Court for the District of Kansas in the matter entitled *In Re: Syngenta AG MIR162 Corn Litigation*, MDL No. 2591 [check all that apply]:

- Count I – Violation of the Lanham Act
- Count II – Violation of Minn. Stat. §§ 325D.13 and 325F.69
- Count III – Negligence under Arkansas Law

- Count IV – Tortious Interference under Arkansas Law
- Count V – Negligence under Kansas Law
- Count VI – Negligence under Missouri Law
- Count VII – Tortious Interference with Business Expectancy under Missouri Law

Plaintiff’s constituent case shall be deemed subject to any relevant responsive pleading filed by one or more Defendants to Milo Producer Plaintiffs’ Master Complaint, including answers and motions to dismiss any of the causes of action marked above.

Dated this the ____ day of _____, 2015.

Respectfully submitted,

Counsel for Plaintiff
