

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

In Re: Syngenta AG MIR 162 Corn Litigation)	
)	
)	MDL No. 2591
)	
This document relates to: <i>All Cases</i>)	Case No. 2:14-md-2591-JWL-JPO
)	

ORDER RELATING TO ACTIONS FILED IN D.KAN.

On December 11, 2014, the Judicial Panel on Multidistrict Litigation created MDL 2591, *In re: Syngenta AG MIR162 Corn Litigation*. See MDL No. 2591, Dkt. 193 (J.P.M.L.) (“Transfer Order”). The MDL was assigned to this Court, and a number of actions filed in other Districts were transferred here for “coordinated or consolidated pretrial proceedings.” *Id.* In addition to these cases, nine cases were filed directly in this District and assigned to this Court involving defendants and allegations similar to the cases in the MDL. These cases “do not require Panel action” because they were filed originally in this District. See JPML Rule 7.2(a). These nine cases have since been deemed included in the MDL by stipulation. This Order addresses procedures for handling any future filings in the District of Kansas concerning the same subject matter as these cases.

The Court adopts the following procedures for related cases directly filed in the District of Kansas. If any party to this MDL is named in a civil action pending in this District which concerns the same subject matter as the cases in this MDL, *e.g.* JPML Rule 1.1(h), it shall file a Notice of Related case in the individual docket and the MDL docket. Upon filing of such notice, the Clerk shall issue an order on the individual case docket and the MDL docket directing any party to show cause (“Show Cause Order”) why the case should not be included in the MDL. Any Response to the Show Cause Order (which need only be filed by any objecting parties) shall

be filed within seven days and shall be limited to five pages. Replies shall be filed within five days thereafter and limited to five pages. If no response is filed or a response indicating no objection is filed, the case shall be deemed included in the MDL for coordinated or consolidated pretrial proceedings in accordance with the Court's December 22, 2014 Preliminary Practice and Procedure Order Upon Transfer Pursuant to 28 U.S.C. § 1407(a). Failure by any party in the MDL to object as set forth herein shall constitute a waiver of any objection to inclusion of the case in the MDL for pretrial proceedings. If an objection is filed, the Court will decide if the case should or should not be included in the MDL in accordance with the Transfer Order and rules governing centralization found in 28 U.S.C. § 1407(a). The procedure outlined here and adopted by the Court is intended to pattern the conditional tag-along procedures used by the JPML for the transfer of related cases filed after an MDL has been created, and shall not be deemed to have any other effect. *See* JPML Rule 7.1 (notification requirement) & 8.1 (show cause process).

IT IS SO ORDERED.

Dated this 3rd day of February, 2015 at Kansas City, Kansas.

s/ John W. Lungstrum
JOHN W. LUNGSTRUM
UNITED STATES DISTRICT JUDGE