

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

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 Notices to Conform. ECF Nos. 386, 461. Subsequently, Non-Producer Plaintiffs filed a Second Amended Master Class Action Complaint (ECF No. 1064). Co-Lead Counsel for Plaintiffs drafted a new proposed Notice for this Second Amended Master Complaint and circulated this Notice to Defendants, who are unopposed to this new Notice.

The Court hereby approves the Notice to Conform to Non-Producer Plaintiffs' Second Amended Master Class Action Complaint, which is attached as Exhibit A.

Dated: January 11, 2016

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

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Corn Litigation)	
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This document relates to:)	Case No. 2:14-md-2591-JWL-JPO
[insert case name])	

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

Plaintiff _____ files this Notice to Conform (“Notice to Conform”) directed at Non-Producer Plaintiffs’ Second Amended Master Class Action Complaint (ECF No. 1064) as permitted and approved by the Court’s Order Relating to Consolidated Pleadings (ECF No. 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 the Non-Producer Plaintiffs’ Second Amended Master Class Action Complaint. Plaintiff acknowledges that for purposes of the above-captioned case this Notice and the Non-Producer Second Amended Master Class Action 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’ Second Amended Master Class Action Complaint (ECF No. 1064) 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’ Second 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 _____, 2016.

Respectfully submitted,

Counsel for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on _____, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all counsel of record.

Counsel for Non-Producer Plaintiff