

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

IN RE: Syngenta AG MIR162	)
Corn Litigation	) MDL No: 2591
	)
	) Case No. 14-md-2591-JWL-JPO
This Document Relates to:	)
	)
ALL CASES	)
_____	)

**STIPULATION AND ORDER REGARDING PERSONAL JURISDICTION AGAINST  
DEFENDANTS IN KANSAS**

WHEREAS, on January 8, 2016, Defendants Syngenta AG, Syngenta Crop Protection AG, Syngenta Corporation, Syngenta Crop Protection, LLC, Syngenta Biotechnology, Inc., and Syngenta Seeds, Inc. (“Syngenta”) moved to dismiss the claims of non-Kansas bellwether plaintiffs (“Plaintiffs”) filed in the District of Kansas based on the absence of personal jurisdiction and for improper venue (the “January 8 Motion to Dismiss”). ECF No. 1367. On January 22, 2016, Plaintiffs served a set of interrogatories and request for documents, pursuant to Rules 33 and 34 of the Federal Rule of Civil Procedure, related to these issues (the “January 22 Discovery”). Syngenta filed objections to these discovery requests on February 8, 2016.

WHEREAS, on February 12, 2016, Plaintiffs filed an opposition to the motion to dismiss. ECF No. 1557. The Court denied the motion to dismiss on March 11, 2016 (the “March 11 Order”). ECF No. 1679.

WHEREAS, Syngenta continues to object to personal jurisdiction involving claims in this MDL that are filed by non-Kansas plaintiffs against Syngenta in the District of Kansas, but acknowledges that the Court rejected those arguments in the March 11 Order.

WHEREAS, on March 15, 2016, at the request of the parties, the Court extended the deadline to file a motion to compel relating to the January 22 Discovery so that the parties could meet and confer regarding the need for this discovery in light of the Court's order.

WHEREAS, the Parties acknowledge that, unless and until the March 11 Order is modified or reversed, the jurisdictional ruling in the March 11 Order will govern the same personal jurisdiction issues raised in any new suits filed by non-Kansas plaintiffs in this MDL, and that the March 11 Order rejecting Syngenta's personal jurisdiction arguments thus obviates the present need for further jurisdictional discovery;

The parties have now reached the following agreement.

IT IS HERBY STIPULATED AND AGREED TO, by and between Co-Lead Counsel, on behalf of the Plaintiffs, and Defendants' Liason Counsel, on behalf of Syngenta, that, until such time as the March 11 Order is modified or reversed, the March 11 Order will govern the personal jurisdiction issues raised against the 24 non-Kansas bellwether plaintiffs identified in the January 8 Motion to Dismiss. Syngenta reserves the right to: (1) appeal or otherwise challenge the March 11 Order as to all such non-Kansas plaintiffs, and (2) file an objection for lack of personal jurisdiction in any new case filed in the District of Kansas in this MDL on behalf of any non-Kansas plaintiffs to preserve such objections for appeal or further challenge, but acknowledges that, unless and until the March 11 Order is modified or reversed, the March 11 Order shall govern and such objection will be rejected. Such objection shall be filed on the individual case and MDL docket within thirty (30) days of any new case's inclusion in the MDL. Upon timely filing, all arguments raised in support of or in opposition to Syngenta's January 8 Motion to Dismiss (including any arguments raised in support of or in opposition to a motion for

reconsideration of the March 11 Order) shall be deemed to apply to the new case. The March 11 Order shall be deemed to apply to such cases until and unless it is reversed or modified.

Syngenta agrees that so long as personal jurisdiction over the claims of non-Kansas plaintiffs who have filed in the District of Kansas is deemed proper as to either Syngenta Crop Protection, LLC or Syngenta Seeds Inc., Syngenta will not challenge personal jurisdiction for the remaining Syngenta Defendants with respect to and limited to the claims of such non-Kansas plaintiffs who have filed in the District of Kansas in this MDL, provided that such agreement does not waive Syngenta's right to appeal or seek modification of the March 11 Order. If the March 11 Order is modified or reversed and personal jurisdiction is found lacking as to both Syngenta Crop Protection, LLC and Syngenta Seeds Inc., such agreement shall be void as to all remaining Syngenta Defendants. Plaintiffs therefore agree to withdraw the January 22 Discovery without prejudice, and reserve the right to re-serve the January 22 Discovery in the event the March 11 Order is modified or reversed. Syngenta further agrees that, if the March 11 Order is modified or reversed, Syngenta will not oppose the re-service of the January 22 Discovery (while otherwise reserving all objections to the form and scope of such discovery).

**IT IS SO ORDERED.**

April 4, 2016

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

April 4, 2016

s/ James P. O'Hara  
James P. O'Hara  
United States Chief Magistrate Judge

AGREED TO AND SUBMITTED BY:

Dated: April 1, 2016

/s/ Patrick J. Stueve

Patrick J. Stueve—KS Bar #13847  
STUEVE SIEGEL HANSON LLP  
460 Nichols Road, Suite 200  
Kansas City, MO 64112  
Telephone: (816) 714-7100  
stueve@stuevesiegel.com

CO-LEAD COUNSEL AND LIAISON  
COUNSEL FOR PLAINTIFFS

Don M. Downing  
GRAY, RITTER & GRAHAM, P.C.  
701 Market Street, Suite 800  
St. Louis, MO 63101  
Telephone: (314) 241-5620  
ddowning@grgpc.com

CO-LEAD COUNSEL FOR PLAINTIFFS  
AND INTERIM RULE 23 CLASS COUNSEL

William B. Chaney  
GRAY REED & MCGRAW, P.C.  
1601 Elm Street, Suite 4600  
Dallas, TX 75201  
Telephone: (469) 320-6031  
wchaney@grayreed.com

Scott Powell  
HARE WYNN NEWELL & NEWTON  
2025 3rd Ave. North, Suite 800  
Birmingham, AL 35203  
Telephone: (205) 328-5330  
scott@hwnn.com

CO-LEAD COUNSEL FOR PLAINTIFFS

/s/ Thomas P. Schult

Thomas P. Schult  
Ryan C. Hudson  
BERKOWITZ OLIVER LLP  
2600 Grand Boulevard, Suite 1200  
Kansas City, Missouri 64108  
Telephone: (816) 561-7007  
Facsimile: (816) 561-1888  
tschult@berkowitzoliver.com  
rhudson@berkowitzoliver.com

*Liaison Counsel for Syngenta AG, Syngenta  
Crop Protection AG, Syngenta Corporation,  
Syngenta Crop Protection, LLC, Syngenta  
Seeds, Inc., and Syngenta Biotechnology, Inc.*

Michael D. Jones (mjones@kirkland.com)  
Edwin John U (edwin.u@kirkland.com)  
Patrick F. Philbin  
(patrick.philbin@kirkland.com)  
Ragan Naresh (ragan.naresh@kirkland.com)  
Patrick Haney (patrick.haney@kirkland.com)

KIRKLAND & ELLIS LLP  
655 15th Street N.W., Suite 1200  
Washington, D.C. 20005  
Telephone: (202) 879-5000  
Facsimile: (202) 879-5200

*Lead Counsel for Syngenta AG, Syngenta Crop  
Protection AG, Syngenta Corporation,  
Syngenta Crop Protection, LLC, Syngenta  
Seeds, Inc., and Syngenta Biotechnology, Inc.*