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April 3, 2023

VIA ECF

Patricia S. Dodszuweit, Clerk
Office of the Clerk
United States Court of Appeals for the Third Circuit
21400 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Re: *In re Wawa, Inc, Data Security Litigation*, No. 22-1950
Submitted after oral argument March 30, 2023 (Matey, Freeman,
Fuentes, JJ.)

Dear Ms. Dodszuweit:

Appellant Theodore Frank submits this Rule 28(j) letter to apprise the Court of *In re Roundup Prods. Liab. Litig.*, No. 16-md-02741-VC, 2023 U.S. Dist. LEXIS 56991 (N.D. Cal. Mar. 31, 2023) (attached).

Roundup addresses the same legal question Frank's appeal raises: for a percentage-based fee award in a claims-made settlement, may a court rely on sums "made available" that class members will never receive? The Northern District answered no, rejecting the argument plaintiffs make here. Compare Plaintiffs-Appellees Brief 21-24 with Opening Brief 24-28, 37-40; Reply Brief 6-10. Pegging the fees to unclaimed funds would "artificially inflate[] the presumptively reasonable level of fees." 2023 U.S. Dist. LEXIS 56991, at *84. "[T]hat's not a real number, and it makes no sense to peg the 25 percent benchmark to it." *Id.* at *83; accord Opening Brief 41-43.

Roundup rebuffed class counsel's reliance on *Williams v. MGM-Pathe Communications Co.*, 126 F.3d 1026 (9th Cir. 1997):

“It’s true that some language in *Williams* could be read to suggest that district courts abuse their discretion whenever they decline to award fees pegged to a ‘settlement amount’ agreed to by the parties, even if a massive portion of the ‘settlement amount’ would revert to the defendant after going unclaimed. It’s difficult to determine whether the opinion in *Williams* actually stood for this proposition, because its description of the facts was so bare and its analysis was so sparse compared to the typical published appellate opinion. But if [it did], it cannot possibly be good law anymore in light of the amendments to Rule 23 and subsequent developments in the case law. [citing cases]. In any event, *Williams* was not about how to properly identify the 25 percent benchmark for a presumptively reasonable fee award; it was about whether the district court’s actual fee reduction was proper.”

2023 U.S. Dist. LEXIS 56991, at *84-*85; *accord* Opening Brief 37-40, Reply Brief 8; *contra* Plaintiffs-Appellees Brief 21.

This Court should continue to endorse the economically realistic approach that *Roundup* and prior Third Circuit cases adopted. Reversal requiring the district court to tie fees to actual recovery will increase class benefit.

Respectfully submitted,

/s/ Adam E. Schulman

Adam E. Schulman

Counsel for Appellant Theodore H. Frank

cc: Counsel via ECF system

Proof of Service

I hereby certify that on April 3, 2023, I electronically filed the foregoing with the Clerk of the United States Court of Appeals for the Third Circuit using the CM/ECF system, which will provide notification of such filing to all who are ECF-registered filers.

/s/ Adam E. Schulman _____

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As of: April 2, 2023 9:56 PM Z

To v. Monsanto Co. (In re Roundup Prods. Liab. Litig.)

United States District Court for the Northern District of California

March 31, 2023, Decided; March 31, 2023, Filed

Case No. 16-md-02741-VC; Case No. 21-cv-8159

Reporter

2023 U.S. Dist. LEXIS 56991 *

IN RE: ROUNDUP PRODUCTS LIABILITY LITIGATION. This document related to: Gilmore v. Monsanto Company, Case No. 21-cv-8159

Core Terms

percent, benchmark, **settlement**, class member, costs, **settlement** amount, expenses, cases, **class action**, fee award, ceiling

Counsel: [*1] For Scott Gilmore, Julio Ezcurra, SHERRY HANNA, Kristy Williams, Amanda Boyette, James Weeks, Anthony Jewell, Paul Taylor, Plaintiffs (3:21cv8159): Gillian Leigh Wade, LEAD ATTORNEY, Milstein Jackson Fairchild & Wade, LLP, Los Angeles, CA USA; William J. Rhodunda, Jr., LEAD ATTORNEY, Chandra Joan Williams, Rhodunda Williams & Kondraschow, Wilmington, DE USA; Marc A. Castaneda, PRO HAC VICE; Sara D. Avila, PRO HAC VICE.

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For Jason Rinehart, Interested Party (3:21cv8159): Elizabeth A. Fegan, PRO HAC VICE, Fegan Scott LLC, Chicago, IL USA; Sarah Michelle Ennis, Morris James LLP, Wilmington, DE USA.

For Brian Webb, Interested Party (3:21cv8159): John Warren Raggio, LEAD ATTORNEY, Nachawati Law Group, Dallas, TX USA.

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For Ricky Gibbs, Plaintiff (3:16-md-02741-VC) (3:16-md-02741-VC): Katharine Crane Byrne, LEAD ATTORNEY, Cooney & Conway, Chicago, IL; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Kevin J. Conway, Cooney & Conway, Chicago, IL; Maja Lukic, PRO HAC VICE, Weitz and Luxenberg, P.C., New York, NY; Michael Joseph Miller, LEAD ATTORNEY, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

For Lawrence Gary Couey, Plaintiff (3:16-md-02741-VC) (3:16-md-02741-VC): Hunter William Lundy, LEAD ATTORNEY, Lundy, Lundy, Soileau and South, LLP, Lake Charles, LA; Aimee Wagstaff, Andrus Wagstaff,

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For Emanuel Richard Giglio, Plaintiff (3:16-md-02741-VC) (3:16-md-02741-VC): Aimee Hall Wagstaff, LEAD ATTORNEY, Andrus Wagstaff, PC, Lakewood, CO; David J. Wool, LEAD ATTORNEY, PRO HAC VICE, Andrus Wagstaff, PC, Lakewood, CO; Aimee Wagstaff, [*4] Andrus Wagstaff, PC, Lakewood, CO; John P. Fiske, John H. Gomez, Gomez Trial Attorneys, San Diego, CA; Michael Joseph Miller, LEAD ATTORNEY, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

For Enrique Ruiz, Stephanie Ruiz, Plaintiffs (3:16-md-02741-VC) (3:16-md-02741-VC): Bruce Don Burtoff, LEAD ATTORNEY, The Miller Firm, Alexandria, VA; Michael Joseph Miller, LEAD ATTORNEY, Jeffrey Alan Travers, The Miller Firm LLC, Orange, VA; Robin Lynn Greenwald, LEAD ATTORNEY, Weitz and Luxenberg, P.C., New York, NY; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY.

For Mark Scheffer, Plaintiff (3:16-md-02741-VC) (3:16-md-02741-VC): John J Roddy, LEAD ATTORNEY, Bailey and Glasser LLP, Boston, MA; Robert Brent Wisner, LEAD ATTORNEY, Baum Hedlund Aristei Goldman, PC, Los Angeles, CA; Robin Lynn Greenwald, LEAD ATTORNEY, Weitz and Luxenberg, P.C., New York, NY; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY.

For Teri Michelle [*5] McCall, individually and as successor in interest for the estate of Anthony Jackson McCall, deceased, Peter Johansing, Plaintiffs (3:16-md-02741-VC) (3:16-md-02741-VC): Michael Lin Baum, LEAD ATTORNEY, Baum Hedlund Aristei and Goldman PC, Los Angeles, CA; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Kevin J. Madonna, Robert F. Kennedy, Jr., Kennedy & Madonna, LLP, Hurley, NY; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robert Francis Kennedy, Jr., White Plains, NY; Robert Brent Wisner, Baum Hedlund Aristei Goldman, PC, Los Angeles, CA; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

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For John D. Sanders, Frank Tanner, Plaintiffs (3:16-md-02741-VC) (3:16-md-02741-VC): Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Kristie Marie Hightower, PRO HAC VICE, Lundy Lundy Soileau and South LLP, Lake Charles, LA; Maja Lukic, PRO HAC VICE, Weitz and Luxenberg, P.C., New York, NY; Michael Joseph Miller, LEAD ATTORNEY, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

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For Charles Bridgeman, Plaintiff (3:16-md-02741-VC) (3:16-md-02741-VC): Yvonne M. Flaherty, LEAD ATTORNEY, Lockridge Grindal Nauen PLLP, Minneapolis, MN; Aimee Wagstaff, Andrus [*7] Wagstaff, PC, Lakewood, CO; Edward A. Wallace, Wexler Wallace LLP, Chicago, IL; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY; Rosa Schwabe Trembour, Lockridge Grindal Nauen P.L.L.P., Minneapolis, MN.

For Douglas Harris, Plaintiff (3:16-md-02741-VC) (3:16-md-02741-VC): John Backes Prior, LEAD ATTORNEY, Hart McLaughlin & Eldridge, LLC, Chicago, IL; Robin Lynn Greenwald, LEAD ATTORNEY, Weitz and Luxenberg, P.C., New York, NY; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna

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For Larry E. Domina, Frank Pollard, Robert L. Dickey, Royce D. Janzen, Plaintiffs (3:16-md-02741-VC) (3:16-md-02741-VC): David A. Domina, LEAD ATTORNEY, DOMINA LAW GROUP, Omaha, NE; Robin L. Greenwald, LEAD ATTORNEY, Maja Lukic, PRO HAC VICE, Weitz and Luxenberg, P.C., New York, NY; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

For Clayton Janise, Plaintiff (3:16-md-02741-VC) (3:16-md-02741-VC): Robin Lynn Greenwald, LEAD ATTORNEY, Weitz and Luxenberg, P.C., New York, NY; Vance R. Andrus, Andrus Hood Wagstaff, Denver, CO; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, [*9] New York, NY.

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LLP, Lake Charles, LA; Matthew Edward Lundy, Lundy & Davis, LLP, Lake Charles, LA; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin L. Greenwald, PRO HAC VICE, Weitz & Luxenberg, P.C., New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

For Michael Tamburello, Plaintiff (3:16-md-02741-VC) (3:16-md-02741-VC): Aimee Hall Wagstaff, LEAD ATTORNEY, Andrus Wagstaff, PC, Lakewood, CO; Robin Lynn Greenwald, LEAD ATTORNEY, Weitz and Luxenberg, P.C., New York, NY; Aimee Wagstaff, Andrus Wagstaff, [*10] PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY.

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For Larry Goodbred, Plaintiff (3:16-md-02741-VC) (3:16-md-02741-VC): Richard M. Paul, III, LEAD ATTORNEY, PRO HAC VICE, Paul LLP, Kansas City, MO; Robin Lynn Greenwald, LEAD ATTORNEY, Weitz and Luxenberg, P.C., New York, NY; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Christopher M Ellis, Bolen Robinson & Ellis, LLP, Decatur, IL; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY.

For John Cushman, Plaintiff (3:16-md-02741-VC) (3:16-md-02741-VC): Robert J. McLaughlin, LEAD ATTORNEY, Kyle Pozan, Hart McLaughlin & Eldridge, LLC, Chicago, IL; Robin Lynn Greenwald, LEAD ATTORNEY, Weitz and Luxenberg, [*11] P.C., New York, NY. Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; John Backes Prior, LEAD ATTORNEY, Hart McLaughlin & Eldridge, LLC, Chicago, IL; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY.

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For Matteo Anthony Russo, Goldie Perkins, Plaintiffs (3:16-md-02741-VC) (3:16-md-02741-VC): [*12] Aimee H Wagstaff, LEAD ATTORNEY, Andrus Wagstaff PC, Lakewood, CO; Robin Lynn Greenwald, LEAD ATTORNEY, Weitz and Luxenberg, P.C., New York, NY; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Kathryn M Forgie, Andrus Wagstaff PC, Oakland, CA; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY.

For William White, Plaintiff (3:16-md-02741-VC): Beth E. Terrell, LEAD ATTORNEY, Terrell Marshall Law Group PLLC, Seattle, WA; Robin Lynn Greenwald, LEAD ATTORNEY, Weitz and Luxenberg, P.C., New York, NY. Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Yvonne M. Flaherty, Lockridge Grindal Nauen PLLP, Minneapolis, MN.

For Wendy Burdett, Plaintiff (3:16-md-02741-VC): Kimberly A Dougherty, LEAD ATTORNEY, Janet Jenner & Suggs, LLC, Boston, MA; Robin Lynn Greenwald, LEAD ATTORNEY, Weitz and Luxenberg, P.C., New York, NY; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY.

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For Eric Morris, Plaintiff (3:16-md-02741-VC): Mark Herbert Schlein, LEAD ATTORNEY, Baum Hedlund

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For Barton Penrod, Plaintiff (3:16-md-02741-VC): Curtis George Hoke, LEAD ATTORNEY, The Miller Firm, LLC, Orange, VA; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm

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For Sioum Gebeyehou, Plaintiff (3:16-md-02741-VC): Tesfaye Wolde Tsadik, LEAD ATTORNEY, Law Offices of Tesfaye Tsadik, Oakland, CA; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

For Karen Wooten, Harley Wooten, III, Timothy Wooten, Plaintiffs (3:16-md-02741-VC): Jennie Lee Anderson, LEAD ATTORNEY, Leland Humphrey Belew, Lori Erin Andrus, Andrus Anderson LLP, San Francisco, CA; Yvonne M. Flaherty, LEAD ATTORNEY, Lockridge Grindal Nauen PLLP, Minneapolis, MN. Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

For Craig R Butsch, Plaintiff (3:16-md-02741-VC): Maja Lukic, LEAD ATTORNEY, PRO HAC VICE, Weitz and Luxenberg, P.C., New York, NY (3:16-md-02741-VC): Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Daniel R Mordarski, Law Offices Of Daniel R. Mordarski LLC, Columbus, OH; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

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Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin L. Greenwald, PRO HAC VICE, Weitz & Luxenberg, P.C., New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY; Kristie M. Hightower, Max E. Guthrie, Rudie Ray Soileau, Jr., Lundy, Lundy Soileau & South, LLP, Lake Charles, LA; Maja Lukic, LEAD ATTORNEY, PRO HAC VICE, Weitz and Luxenberg, P.C., New York, NY; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin L. Greenwald, PRO HAC VICE, Weitz & Luxenberg, P.C., New York, NY; Robin Lynn Greenwald, LEAD ATTORNEY, Weitz and Luxenberg, P.C., New York, NY.

For James Mitchell, Plaintiff (3:16-md-02741-VC): Charles Travis Moore, LEAD ATTORNEY, MORGAN AND MORGAN PA, TAMPA, FL; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

For Randall Dean Seidl, Plaintiff (3:16-md-02741-VC): John E. Tomlinson, LEAD ATTORNEY, PRO HAC VICE, Beasley, Allen, Crow, Methvin, Portis & Miles, PC, Montgomery, AL; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Rhon E. Jones, PRO HAC VICE, Beasley, Allen, Crown, Methvin, Portis & Miles, PC, Montgomery, AL; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY; W. Michael Workman, Workman Law Firm, PLLC, Charlotte, NC.

For Joseph E. Shipley, Margaret Shipley, Plaintiffs (3:16-md-02741-VC): Brian P Galligan, LEAD ATTORNEY, GALLIGAN & REID PC, DES MOINES, IA; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; James Griffin O'Brien, Zoll & Kranz, LLC, Toledo, OH; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

For Sabas Sanchez, Rosa Sanchez, Plaintiffs (3:16-md-02741-VC): James Griffin O'Brien, Zoll & Kranz, LLC, Toledo, OH; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York,

NY.

For John Holm, Plaintiff (3:16-md-02741-VC): David J. Wool, LEAD ATTORNEY, PRO HAC VICE, Andrus Wagstaff, PC, Lakewood, CO; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

For Ray Lee, Christopher Northover, Steven Royce Christensen, Plaintiffs (3:16-md-02741-VC): Jacob A. Flint, LEAD ATTORNEY, FLINT LAW FIRM, LLC, Edwardsville, IL; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

For Paul Galvan, Plaintiff (3:16-md-02741-VC): Devin Lynn Bolton, LEAD ATTORNEY, Weitz and Luxenberg, New York, NY; Aimee Wagstaff, Andrus [*20] Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

For Mark Weddel, Plaintiff (3:16-md-02741-VC): Robert J. McLaughlin, LEAD ATTORNEY, Hart McLaughlin & Eldridge, LLC, Chicago, IL; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

For Bennierita Smith, Jr. Edward Smith, Plaintiffs (3:16-md-02741-VC): Nicholas Ryan Rockforte, LEAD ATTORNEY, Pendley, Baudin & Coffin, LLP (New Orleans), New Orleans, LA; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Christopher Luke Coffin, Pendley Bauldin Coffin, LLP, New Orleans, LA; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Pearl Anna Robertson, Weitz and Luxenberg, New York, NY; Robin Lynn Greenwald, Weitz and Luxenberg, P.C., New York, NY.

For Larry J. Faschingbauer, Plaintiff (3:16-md-02741-VC): James Griffin O'Brien, Zoll & Kranz, LLC, Toledo, OH; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael [*21] Joseph Miller, The Miller Firm LLC, Orange, VA.

For Loretta I Pennie, Pablo Aguero, Michael J Allen, Kelly S Baron, John Barton, Mark Barton, Maria Bedolla,

individually and as successor in interest to the Estate of David L. Bedolla, deceased, Jean E Bevanmarquez, Mark J Blackwelder, Donald E Brenner, Deborah Brooks, individually and as successor in interest to the Estate of Dean D. Brooks, deceased, Denton L Carender, Frank Chavez, Gina E. Davis, Richard D D'Souza, Randy A Ferber, Plaintiffs (3:16-md-02741-VC): Christopher Luke Coffin, Pendley Bauldin Coffin, LLP, New Orleans, LA; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Frances Margaret Phares, LEAD ATTORNEY, Baum Hedlund Aristei and Goldman, Los Angeles, CA; Kevin J. Madonna, LEAD ATTORNEY, Kennedy & Madonna, LLP, Hurley, NY; Michael L. Baum, LEAD ATTORNEY, Baum Hedlund Aristei and Goldman, P.C., Los Angeles, CA; Nicholas Ryan Rockforte, LEAD ATTORNEY, Pendley, Baudin & Coffin, LLP (New Orleans), New Orleans, LA; Robert F. Kennedy, Jr., Kennedy & Madonna, LLP, Hurley, NY; Robert Brent Wisner, LEAD ATTORNEY, Baum Hedlund Aristei Goldman, PC, Los Angeles, CA; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Pedram [*22] Esfandiary, Baum Hedlund Aristei and Goldman, Los Angeles, CA.

Gary W. Hall, Patricia Hamilton, Patricia Hamilton represented individually and as successor in interest to the Estate of Bruce Hamilton, deceased, John S. Henderson, Phil P. Hernandez, Ann E. Hinshelwood, Steven Louis McCormick, Sheila Mitchell, Tammy Moreno, individually and as successor in interest to the Estate of Andrew D. Moreno, deceased, Anthony Prince Munoz, Timothy J. Parker, Carolyn J. Pierce, Joanne Marie Plummer, Gary C. Puckett, Paulette M. Randall, Rhoda B. Rathkamp, Parviz Rezazadeh, Douglas Smith, John S. Stratton, Steven M. Strohm, Cheryl Y. Thresher, George T. Watson, Mercy O. Solorio, individually and as successor in interest to the Estate of Estanislao Solorio, deceased, Jeff Ingram, Charles Vannoy, Plaintiffs (3:16-md-02741-VC): Christopher Luke Coffin, Pendley Bauldin Coffin, LLP, New Orleans, LA; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Frances Margaret Phares, LEAD ATTORNEY, Baum Hedlund Aristei and Goldman, Los Angeles, CA; Kevin J. Madonna, LEAD ATTORNEY, Kennedy & Madonna, LLP, Hurley, NY; Michael L. Baum, LEAD ATTORNEY, Baum Hedlund Aristei and Goldman, P.C., Los Angeles, CA; Nicholas [*23] Ryan Rockforte, LEAD ATTORNEY, Pendley, Baudin & Coffin, LLP (New Orleans), New Orleans, LA; Robert F. Kennedy, Jr., Kennedy & Madonna, LLP, Hurley, NY; Robert Brent Wisner, LEAD ATTORNEY, Baum Hedlund Aristei Goldman, PC, Los Angeles, CA; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Pedram

Esfandiary, Baum Hedlund Aristei and Goldman, Los Angeles, CA.

For Carolyn McCray, Plaintiff (3:16-md-02741-VC): Christopher Luke Coffin, Pendley Bauldin Coffin, LLP, New Orleans, LA; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Frances Margaret Phares, LEAD ATTORNEY, Baum Hedlund Aristei and Goldman, Los Angeles, CA; Kevin J. Madonna, LEAD ATTORNEY, Kennedy & Madonna, LLP, Hurley, NY; Michael L. Baum, LEAD ATTORNEY, Baum Hedlund Aristei and Goldman, P.C., Los Angeles, CA; Nicholas Ryan Rockforte, LEAD ATTORNEY, Pendley, Baudin & Coffin, LLP (New Orleans), New Orleans, LA; Robert F. Kennedy, Jr., Kennedy & Madonna, LLP, Hurley, NY; Robert Brent Wisner, LEAD ATTORNEY, Baum Hedlund Aristei Goldman, PC, Los Angeles, CA; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Pedram Esfandiary, Baum Hedlund Aristei and Goldman, Los Angeles, CA.

For Mikle Cooper, Plaintiff (3:16-md-02741-VC): **[*24]** David J. Wool, LEAD ATTORNEY, PRO HAC VICE, Andrus Wagstaff, PC, Lakewood, CO; Robert J. McLaughlin, LEAD ATTORNEY, Hart McLaughlin & Eldridge, LLC, Chicago, IL; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA.

For Linda Crane, Larry Skillestad, Plaintiffs (3:16-md-02741-VC): Jacob A. Flint, LEAD ATTORNEY, FLINT LAW FIRM, LLC, Edwardsville, IL; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA.

For Frederick Smith, Rexford Martin, Ronald Matheny, Sherry Lynn Matheny, Royal Mathis, Katholyn Jean Mathis, Davien McCarty, Sharon McClurg, Mark McCowen, Debraa McCowen, Marcia McCray, Eileen Means, John A. Meeks, Eugene Merrell, Brandy Merrell, Becky Miller, Lorne Miller, Anne Mitchell, Robert Mitchell, Sami Mohammad, Henry Moore, Linda Moore, Terence Moore, Kristina Moore, Lisa Mulholland, Joseph Mulholland, Gordon Muller, Shawn Murphy, Janie Narczewski, James Narczewski, James David, Vickie Neal, Deanna Nelson, Donald Nelson, Earl Nelson, Paul Neumeyer, Rebecca Neuzil, Larry Niederer, Jayne Niederer, Richard Niewiadomski, David Nisbet, Marion Nottingham, John Novak, Timothy Nowicki, **[*25]** Barbara Nowicki, Daryl Ogden, Cynthia Ortiz, Mary Ortiz, John Otts, Emma Otts, James Palmer, John Parker, Wanda Parker, Ron Peperoni, Jr., Stacy Peperoni, Dennis Pfister, Patricia Pfister, Mark Polum, Melvin Poppinga, Ida Poppinga, Janet Porteous, Robert Porteous, Michael Price, Loretta Price, Guy Pritchard,

Warren Proctor, Greg Randolph, Rachel Randolph, Vicki Rapp, Dale Rapp, Plaintiffs (3:16-md-02741-VC): James T. Corrigan, LEAD ATTORNEY, ONDER AND SHELTON, L.L.C., The University Tower, St. Louis, MO; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA.

For Dean Rasmussen, Daniel Redding, Phyllis Reith, Richard Reith, Edward Reynolds, Patricia Reynolds, Anthony Rezendes, Sharon Rezendes, Larry Richards, Donald Richardson, Donna Rizzo, Virgil Rizzo, Spirit Connell, Patrick Martin, Jack Watson, Robert Hoffman, Alan Gniadek, Melvin Costa, Stan Gerlach, David King, John Schoonover, Estel Butterfield, Donald Smith, Douglas Moss, Christopher Luetcke, Shalisha Robinson, James Aultman, Martha Whitford, Reginald Liggins, Bobby Joe Jones, Joseph Johnson, Jay Borum, James Sheldon, Suzanne Norgren, Andrew Gordon, Carol Sorensen, Marty Pinkard, **[*26]** Plaintiffs (3:16-md-02741-VC): James T. Corrigan, LEAD ATTORNEY, ONDER AND SHELTON, L.L.C., St. Louis, MO; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA.

For Michael Naff, Juanita Maraman, Plaintiffs (3:16-md-02741-VC): Jacob A. Flint, LEAD ATTORNEY, FLINT LAW FIRM, LLC, Edwardsville, IL; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA.

For Mary Ellen Goodbred, Plaintiff (3:16-md-02741-VC): Richard M. Paul, III, LEAD ATTORNEY, PRO HAC VICE, Paul LLP, Kansas City, MO; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA; Christopher M Ellis, Bolen Robinson & Ellis, LLP, Decatur, IL.

For Rocky McIntosh, Donna McIntosh, Richard Lax, Leslie Shechter, Jacob Shechter, Claire Van Horn, Gary Van Horn, Donald Wetzel, Lori Wetzel, Kevin Kelly, Frederick Curts, Louise Stutes, Jan Huskey, Judy Huskey, Angel Sanchez, Daniel Sanchez, Raymond Saunders, Gloria Saunders, Patrick Gallagher, Melanie Gallagher, Rodney Pfeiffer, Boyd Hagaman, Arlene Hagaman, Keith Wimberley, Lily Wimberley, James Jernigan, Carol Jernigan, Sherri Zoller, **[*27]** Perry Minando, Maria Minando, Rodney Dean, Deborah Dean, Bobby Freeman, William Curtsinger, Wanda Curtsinger, Chester Mills, Doris Mills, Dennis Rowe, Gina Rowe, Lawrence Garvel, Linda Garvel, Zora Hartman, Wayne Hartman, Johnny Lawson, Sandra Lawson, Michele McLeod, William McLeod, Randy Roberts, Lloyd Roberts, Gary Deutsch, Katherine

Deutsch, Frederick Gongoll, Daniel Koller, Laura Koller, Harold Mayhew, Kenneth McMillon, Onita McMillon, Tyrie Pickney, Anetra Pickney, Mary Picou, John Tramell, Philippa Tramell, Plaintiffs (3:16-md-02741-VC): Raeann Warner, LEAD ATTORNEY, Jacobs and Crumplar, P.A., Wilmington, DE.

For Larry J. Faschingbauer, Plaintiffs (3:16-md-02741-VC): James Griffin O'Brien, LEAD ATTORNEY, Zoll & Kranz, LLC, Toledo, OH.

For Johnny Hick Strickland, Plaintiff (3:16-md-02741-VC): James L. Ward, Jr., LEAD ATTORNEY, McGowan, Hood & Felder, LLC, Mt. Pleasant, SC.

For The Estate of Robert Cochran by Misty Hill, its Administrator, William Setzer, Pamela Setzer, Sabas Sanchez, Rosa Sanchez, Linda O'Neil, Marvin O'Neil, Plaintiffs (3:16-md-02741-VC): James G O'Brien, LEAD ATTORNEY, Zoll & Kranz LLC, Toledo, OH.

For Anthony Harris, Plaintiff (3:16-md-02741-VC): Jeremy C. Shafer, [*28] LEAD ATTORNEY, Miller Legal, LLP, Encinitas, CA; Peter Andrew Miller, LEAD ATTORNEY, Miller DellaFera, PLC, Henrico, VA.

For Estate of Rosemary Runyan, Ronald Runyan, Plaintiffs (3:16-md-02741-VC): David J. Wool, LEAD ATTORNEY, PRO HAC VICE, Andrus Wagstaff, PC, Lakewood, CO.

For Virginia Freeman, Plaintiff (3:16-md-02741-VC): Kirk John Goza, LEAD ATTORNEY, Goza Honnold Trial Lawyers, Overland Park, KS; Raeann Warner, LEAD ATTORNEY, Jacobs and Crumplar, P.A., Wilmington, DE.

For Patricia Turner, Nadine Zook, Anthony Helderman, John Wiberg, Kathleen Wiberg, Johnny Robert, Plaintiffs (3:16-md-02741-VC): James T. Corrigan, LEAD ATTORNEY, ONDER AND SHELTON, L.L.C., St. Louis, MO.

For Emily Dyre, Michael Dyre, Myron Park, Jeffrey Volz, Paul Brisk, Joan Brisk, Jeffrey Suiter, Ralph Sliger, Randy Perkins, Joy Perkins, Lori Larson, Larry Larson, Ronald Hawkins, Donna Hawkins, Alaine Lowell, Peter Bell, Lori Burns, Neven Burns, Steven Taylor, Patricia Taylor, Barry Ford, Allen Burnett, Sharon Burnett, Sheila Solari, Brett Beavers, Tina Beavers, Plaintiffs (3:16-md-02741-VC): James T. Corrigan, LEAD ATTORNEY, ONDER AND SHELTON, L.L.C., St. Louis, MO.

For Keith Horn, Plaintiff (3:16-md-02741-VC): [*29] Francisco Albites, LEAD ATTORNEY, Parker Waichman, LLP, Bonita Springs, FL; Jessica L. Richman, LEAD ATTORNEY, Parker Waichman, Port

Washington, NY.

For Ronnie L Turner, Charles Sowell, Plaintiffs (3:16-md-02741-VC): Eugene C Brooks, IV, LEAD ATTORNEY, PRO HAC VICE, Brooks Law Firm, Savannah, GA.

For Robert W. Lewis, Barbara M. Lewis, Plaintiffs (3:16-md-02741-VC): George T. Williamson, LEAD ATTORNEY, Farr, Farr, Emerich, Hackett, Carr and Holmes, PA, Punta Gorda, FL.

For Larry Donald Blakeney, Plaintiff (3:16-md-02741-VC): John Raymond Tullos, LEAD ATTORNEY, TULLOS, TULLOS & TULLOS, Raleigh, MS; Michelle Points, Points Law, PLLC, Boise, ID.

For Jessie Camarena, William Camarena, Earl Sessions, Gordon C Hellwig, Karen Hellwig, Bryon Hackett, Donna Hackett, Demetrius Petropoulos, Sophia Petropoulos, Jose Rodriguez, Lillian Rodriguez, Barbara Stads vold, Marie Tavormina, Clyde Zerba, Gloria Barnard, Robert Barnard, John Vanda, Fabian Varela, Gabriela Varela, Victoria L Bellio, Dean Bellio, John Lines, Plaintiffs (3:16-md-02741-VC): David J Diamond, LEAD ATTORNEY, Goldberg and Osborne - Tucson, Tucson, AZ.

For Patricia Honaker, Charles Honaker, Robert King, Carlesa King, Alton McLendon, Beverly [*30] McLendon, Richard Miller, Randel White, Peggy White, Suzanne Simpson, Roger Simpson, William Medlin, Zella Medlin, Plaintiffs (3:16-md-02741-VC): Jessica L. Richman, Parker Waichman, Port Washington, NY.

For Steve Salvaggio, Plaintiff (3:16-md-02741-VC): James T. Corrigan, LEAD ATTORNEY, ONDER AND SHELTON, L.L.C., St. Louis, MO; Pedram Esfandiary, LEAD ATTORNEY, Baum Hedlund Aristei and Goldman, Los Angeles, CA; Robert Brent Wisner, Baum Hedlund Aristei Goldman, PC, Los Angeles, CA.

For Lynda Jean Wolters, Plaintiff (3:16-md-02741-VC): Douglas W Crandall, LEAD ATTORNEY, Crandall Law Office, Boise, ID; Michelle Points, LEAD ATTORNEY, Points Law, PLLC, Boise, ID.

For Garry Marchman, Anthony Pearce, Elizabeth Bare surviving heir of Stephanie Bare-Wheeler on behalf of all legal heirs of Stephanie Bare-Wheeler, Estate of Stephanie Bare-Wheeler, Plaintiffs (3:16-md-02741-VC): Jacob A. Flint, LEAD ATTORNEY, FLINT LAW FIRM, LLC, Edwardsville, IL.

For Carolyn Doty, Plaintiff (3:16-md-02741-VC): Aimee Wagstaff, LEAD ATTORNEY, Andrus Wagstaff, PC, Lakewood, CO.

For Marilyn Van Steenberg by and through his representative, surviving spouse of Estate of John Van Steenberg, Plaintiff (3:16-md-02741-VC): **[*31]** David J. Wool, LEAD ATTORNEY, PRO HAC VICE, Andrus Wagstaff, PC, Lakewood, CO.

For Marvin Ford, Virginia Platt, Steven Rochman, David Brame, Plaintiffs (3:16-md-02741-VC): Raeann Warner, LEAD ATTORNEY, Jacobs and Crumplar, P.A., Wilmington, DE.

For William H Prince, Plaintiff (3:16-md-02741-VC): James L. Ward, Jr., LEAD ATTORNEY, McGowan, Hood & Felder, LLC, Mt. Pleasant, SC.

For William Medlin as Executor of the Estate of Billy Medlin, Zella Medlin, Patricia Honaker, Charles Honaker, Robert King, Carlesa King, Randel White, Peggy White, Richard Miller, Alton McLendon, Beverly McLendon, Suzanne Simpson, Roger Simpson, Plaintiffs (3:16-md-02741-VC): Eric Davis Holland, LEAD ATTORNEY, Holland, Groves, Schneller and Stolze, St. Louis, MO.

For Wanda Clarke, Donald Shepherd, Esmeralda Hernandez, Plaintiffs (3:16-md-02741-VC): Matthew J Sill, LEAD ATTORNEY, Andrea R Rust, Harrison C Lujan, Jacob L Rowe, Katie E Griffin, Simone Fulmer, Tara T. Tabatabaie, Fulmer Sill PLLC, Oklahoma City, OK; Matthew J Sill, LEAD ATTORNEY, Sill Law Group, Edmond, OK.

For Catherine S. Cryan, Plaintiff (3:16-md-02741-VC): David W Zoll, LEAD ATTORNEY, Zoll & Kranz, LLC, Toledo, OH; James G O'Brien, LEAD ATTORNEY, **[*32]** Zoll & Kranz, Toledo, OH.

For Mary L Koehn, Plaintiff (3:16-md-02741-VC): Hunter W. Lundy, LEAD ATTORNEY, Lundy, Lundy, Soileau & South, LLP, Lake Charles, LA; Jackey W South, LEAD ATTORNEY, Lundy Lundy et al (LC), Lake Charles, LA.

For Tara L DiVittorio, Plaintiff (3:16-md-02741-VC): Frank Joseph DiVittorio, LEAD ATTORNEY, Chehardy, Sherman, Williams, Murray, Recile, Stake (Hammond), Hammond, LA; Preston Lee Hayes, Ryan Paul Monsour, LEAD ATTORNEYS, Chehardy, Sherman, Williams, Murray, Recile, Stakelum & Hayes, LLC, Metairie, LA.

For Shirley A Hayes, Plaintiff (3:16-md-02741-VC): Preston Lee Hayes, Ryan Paul Monsour, LEAD ATTORNEYS, Chehardy, Sherman, Williams, Murray, Recile, Stakelum & Hayes, LLC, Metairie, LA.

For Edwin Slominski, Plaintiff (3:16-md-02741-VC): Albert N. Thiel, Jr., LEAD ATTORNEY, Will Ferguson &

Associates, Albuquerque, NM.

For Thomas Baker, Marcia Baker, Plaintiffs (3:16-md-02741-VC): James D. Heisman, LEAD ATTORNEY, Napoli Shkolnik LLC, Wilmington, DE; Tate James Kunkle, LEAD ATTORNEY, Napoli Shkolnik PLLC, Melville, NY.

For Frank Gandolfo, Plaintiff (3:16-md-02741-VC): Carlos Raul Diez-Arguelles, LEAD ATTORNEY, Diez-Arguelles & Tejedor, PA, Orlando, FL; Gregory John **[*33]** Pals, LEAD ATTORNEY, The Driscoll Firm, PC, St. Louis, MO; John J. Driscoll, LEAD ATTORNEY, The Driscoll Firm, P.C., St. Louis, MO.

For Stacy F Scott, Plaintiff (3:16-md-02741-VC): Eric Reed Nowak, LEAD ATTORNEY, Harrell and Nowak, LLC, New Orleans, LA; Shirin E. Harrell, LEAD ATTORNEY, Harrell & Nowak, LLC, New Orleans, LA.

For MARLENE A. PETTINATI, HENRY R. PETTINATI, Plaintiffs (3:16-md-02741-VC): MICHAEL A. CANCELLIERE, JR., MICHAEL A. ROWE, LEAD ATTORNEYS, NASS CANCELLIERE BRENNER, PHILADELPHIA, PA.

For Karen Lines, Saul Rios, Maria Guadalupe Trujillo, Michael A. Bell, Deryl Lundy, Lesly Lundy, Daniel J Palaschak, Elizabeth Palaschak, Cindy S Winters, on behalf of the estate of James A Winters, Teresa J Osburn, Ralph H Mauzy, David Hills, Consuelo R Hills, Cheryl Hayes, Ovidio Felix, Elvia Felix, Ronald Gale, Genevieve Gale, Jack Capen, Jean Capen, John Gavelys, Kathy Gavelys, Valeria P Fraser, Steven Fraser, Karen M Flaherty, Dean T Enomoto, Ronald L Small, Karen S Small, Deborah Thomas, Edward P Schmit, Jr., Marie Schmit, Myra J Buettner, Peter D Buettner, Charles R Norby, Denise A Wurz, Lon Wurz, Judith A. Johnson, Donna Poulson, Charles Poulson, Donald Rhodes, Yvette Rhodes, Owen **[*34]** Dorman, Elizabeth Mena, LeeRoy Watson, Elinor L Watson, Scott Trayer, Elizabeth Trayer, Stephen Thompson, William K Johnson, Kathleen Hart, Billy Hart, Theodore Goldberg, Sybil Goldberg, Ted Lehr, Jay Cantor, Anthony S Milbrandt, Gerald J Surico, Rosalie L Gold, Margie Tebbe, Donald Tebbe, Sylvia Ross, Arthur Riggle, Shelley Zavarella, Michael Deyesso, Helen Deyesso, Dale Hemphill, Sonnie Hemphill, Plaintiffs (3:16-md-02741-VC): David J Diamond, LEAD ATTORNEY, Goldberg and Osborne - Tucson, Tucson, AZ.

For Arthur Sweat, CARMEN BATCH, David Ayres, Plaintiffs (3:16-md-02741-VC): Eugene C Brooks, IV, LEAD ATTORNEY, PRO HAC VICE, Brooks Law Firm, Savannah, GA.

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For John Bailey, Plaintiff (3:16-md-02741-VC): Richard Schulte, LEAD ATTORNEY, WRIGHT & SCHULTE, LLC, VANDALIA, OH.

For Clifford D Little, Plaintiff (3:16-md-02741-VC): Scott R Jackson, LEAD ATTORNEY, Martin Jean & Jackson - PONCA CITY, Ponca City, OK.

For Rodney Allen Woodruff, Plaintiff (3:16-md-02741-VC): James W. Nobles, Jr., LEAD ATTORNEY, JAMES W. NOBLES, JR., ATTORNEY, Clinton, MS.

For Robert Brown, Sr., Plaintiff (3:16-md-02741-VC): Brion B Doyle, LEAD ATTORNEY, Grand Rapids, MI United Sta.

For Kevin McNew, Estate of Billy G. Rouse, [*35] Beverly Rouse, Beverly Koons, Reno Votta, David Kearney, Estate of Bonnie E. Priem, Gerald Priem, Michael R. Fair, Plaintiffs (3:16-md-02741-VC): Jacob A. Flint, LEAD ATTORNEY, FLINT LAW FIRM, LLC, Edwardsville, IL.

Ralph A. Applegate, Plaintiff, Pro se, Columbus, OH.

For Debra McClain, Linda C Rodgers, Francis E Rodgers, Ricky Hoskins, Charlene Hoskins, Dorothy Ragland, Foster Mayo, Patricia Mayo, Neal Nahler, Mary Ann Nahler, Philip Boudreau, Viola Boudreau, Plaintiffs (3:16-md-02741-VC): Seth S. Webb, LEAD ATTORNEY, BROWN AND CROUPPEN P.C., St. Louis, MO.

For Jeanna B. Johnson, Larry G. Curts, Donald T. Zilmer, Plaintiffs (3:16-md-02741-VC): Raeann Warner, LEAD ATTORNEY, Jacobs and Crumplar, P.A., Wilmington, DE.

For JOHN C. KIRSCH, RENAE L. KIRSCH, Plaintiffs (3:16-md-02741-VC): Daniel E.P. Bausher, LEAD ATTORNEY, Jeffrey David Bukowski, Stevens and Lee, P.C., Reading, PA.

For Patricia Marcum, individually and on behalf of John Marcum, Plaintiff (3:16-md-02741-VC): Frank M. Petosa, LEAD ATTORNEY, Morgan & Morgan PA - Plantation, Plantation, FL; Jonathan A. Rabinowitz, LEAD ATTORNEY, Morgan & Morgan, P.A. - Lexington, Lexington, KY; Robin L. Greenwald, LEAD ATTORNEY, PRO HAC VICE, Weitz [*36] & Luxenberg, P.C., New York, NY.

For JEFFREY B. JOHNSON, Plaintiff (3:16-md-02741-VC): MICHAEL A. CANCELLIERE, JR., MICHAEL A. ROWE, LEAD ATTORNEYS, NASS CANCELLIERE BRENNER, PHILADELPHIA, PA.

For Bobby D Ross, Plaintiff (3:16-md-02741-VC):

Christiaan A Marcum, LEAD ATTORNEY, Richardson Patrick Westbrook and Brickman, Mt Pleasant, SC.

For Jeffrey F. Joffe, Laurie Rodetsky Joffe, Plaintiffs (3:16-md-02741-VC): George T. Williamson, LEAD ATTORNEY, Farr, Farr, Emerich, Hackett, Carr and Holmes, PA, Punta Gorda, FL.

For Phillip Skundrick, Plaintiff (3:16-md-02741-VC): Jason L. Kafoury, LEAD ATTORNEY, Kafoury & McDougal, Portland, OR.

For Thomas Martin, Leslie Olson, Jr., Manuel Llamas, Plaintiffs (3:16-md-02741-VC): Kirk John Goza, LEAD ATTORNEY, Goza Honnold Trial Lawyers, Overland Park, KS.

For PATRICIA LASHOCK, Plaintiff (3:16-md-02741-VC): D. Todd Mathews, LEAD ATTORNEY, GORI AND JULIAN, P.C., Edwardsville, IL; Peter Andrew Miller, LEAD ATTORNEY, Miller DellaFera, PLC, Henrico, VA.

For Warren Ahrent, Vicki Ahrent, Plaintiffs (3:16-md-02741-VC): Thomas V Ayala, LEAD ATTORNEY, PRO HAC VICE, Grant and Eisenhofer PA, Wilmington, DE.

For JOHN C. KIRSCH, RENAE L. KIRSCH, Plaintiffs (3:16-md-02741-VC): [*37] DANIEL E. BAUSHER, JEFFREY D. BUKOWSKI, LEAD ATTORNEYS, STEVENS AND LEE, READING, PA.

For Myrlon Edwards, Daniel Fink, Christopher Moore, Sara Partee, Ronald McCravey, Plaintiffs (3:16-md-02741-VC): Andrew Scott Williams, LEAD ATTORNEY, Simmons Hanly Conroy, LLC, Alton, IL.

For Ruben Hernandez, Martha Hernandez, Plaintiffs (3:16-md-02741-VC): Deborah Susan Kerr, LEAD ATTORNEY, Goldberg & Osborne, Phoenix, AZ.

For Jarvis A. White, Parkeya Andrews, James F. Brown, Teresa Brown, Thomas E. Randall, Lavonne Randall, Plaintiffs (3:16-md-02741-VC): Jonathan Wesley Johnson, LEAD ATTORNEY, Jonathan W. Johnson, LLC, Atlanta, GA.

For DENISE MANCINI, Plaintiff (3:16-md-02741-VC): Jason M. Schiffman, LEAD ATTORNEY, Schiffman Firm, LLC, Pittsburgh, PA.

For Wilma L. Williams, Angela Matchett, Plaintiffs (3:16-md-02741-VC): David Thomas Crumplar, LEAD ATTORNEY, Jacobs & Crumplar, P.A., Wilmington, DE.

For Timothy Roberts, Plaintiff (3:16-md-02741-VC): Richard W. Schulte, LEAD ATTORNEY, Wright & Schulte, LLC, Vandalia, OH; Tad Thomas, LEAD ATTORNEY, Thomas Law Offices, PLLC, Louisville, KY.

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For Larry Edwin Green, Sue Ellen Green, Plaintiffs (3:16-md-02741-VC): Sherri Lee Mazur, LEAD ATTORNEY, Mazur & Phillips [*38] LLC, Montgomery, AL; Wesley Shawn Walterscheid, LEAD ATTORNEY, Mazur Law, Montgomery, AL.

For David Beaudet, Ramon Benacidez, Norman Benacidez, Ronald Brook, Plaintiffs (3:16-md-02741-VC): James T. Corrigan, LEAD ATTORNEY, ONDER AND SHELTON, L.L.C., St. Louis, MO.

For Frank Manale, Plaintiff (3:16-md-02741-VC): Conrad S. P. Williams, III, LEAD ATTORNEY, Williams Law Group, New Orleans, LA; Meredith R. Durham, LEAD ATTORNEY, Williams Law Group (New Orleans), New Orleans, LA.

For Roger Ward, Plaintiff (3:16-md-02741-VC): John E. Tomlinson, LEAD ATTORNEY, PRO HAC VICE, Beasley, Allen, Crow, Methvin, Portis & Miles, PC, Montgomery, AL.

For Lenvil Ramey, Helenka Ramey, Plaintiffs (3:16-md-02741-VC): Philip J. Edwards, LEAD ATTORNEY, Louisville, KY.

For William Ritchie, James Suding, Cathleen Suding, Plaintiff (3:16-md-02741-VC): Eric Davis Holland, LEAD ATTORNEY, Holland, Groves, Schneller and Stolze, St. Louis, MO.

For Jimmy M Jones, Plaintiff (3:16-md-02741-VC): Mason L. Boling, Sean T. Keith, LEAD ATTORNEYS, Keith Miller Butler Schneider Pawlik, Rogers, AR.

For Brian G Maine, Gary Marcinkowski, Darlene Marcinkowski, Robert Rees, II, Shauna Rees, Richard R Shelby, Linda M Shelby, James Cerrachio, [*39] Linda Cerracchio, Gary A Reichold, Edgar P Ruiz, Gris Rivera, Lane E Wise, Timothy W Williams, Kimberly Williams, Dennis M Anderson, Leslie Andrews, Robert J Klimek, Sr., Dale Bauman, Frances Bauman, Donna Benenati, John Hickey, Pam Hickey, Willard Bothof, Jean Bothof, Robert Beste, Lachrisa L Dourisseau, Devin Dourisseau, Margaret Jones, Gerald Jones, Louise E Carlucci, Francisco Baez, Claudia Baez, Ann Marie Geiger, James Geiger, Robert Bilodeau, Rita Bilodeau, Melvin Goularte, Donna Goularte, Dorn Gruenhagen, Caroline Gruenhagen, Rosalie Castillo, Wayne A Henderson, Frank J Dusard, Douglas Johnson, Cindy Johnson, Robin Brown, Lamar Brown, Carl Jones, Diana Jones, Sandra Lee, Leonard Lotz, Lisa Lotz, Jason McNamara, Nicole McNamara, John Morris, Evelyn Morris, Judy O Nelson, Mark Nelson, Lisa R Otis, Lucinda Packard, Bruce Peterson, Che Phifer, Don Phifer, Brian Roberts, Mary Roberts, Barbara Braden,

Sharron Howell, Richard Howell, Veronica Navarrete, Armando Navarrete, Delores Ross, Hope Solis, Eddie Solis, Kenneth Wiessner, Mary Wiessner, Timothy P Johnson, Steven Harris, Shirley Harris, Ronald Parenti, Marilyn Parenti, Richard Ruelas, Nancy Workman, Tulion York, Carolyn York, [*40] Carolyn Collins, Lisa M Sparks, David D King, Sharon Spooner, Christopher Spooner, Ronald J Rodrigues, Robin Sparks, Rebecca A Bejarano, Plaintiffs (3:16-md-02741-VC): David J Diamond, LEAD ATTORNEY, Goldberg and Osborne - Tucson, Tucson, AZ.

Michael Andrews, Plaintiff, Pro se.

Bryan Brooks, Plaintiff, Pro se.

For Mildred Schroeder, Plaintiff (3:16-md-02741-VC): KAREN HOPE BEYEA-SCHROEDER, LEAD ATTORNEY, Schroeder Law Office PLLC, The Woodlands, TX.

Beverly Jolly, Plaintiff, Pro se.

For KATHLEEN BURNS, Plaintiff (3:16-md-02741-VC): ROBERT MICHAEL SILVERMAN, LEAD ATTORNEY, WEITZ & LUXENBERG, CHERRY HILL, NJ.

For Robert Simpson, Rosetta Boblitz, Gwendolyn Wilson, Edward Wilson, Keith W. Scott, Rebecca Scott, John Crowe, Rosetta Crowe, Bobby Coleman, David Beams, Ronald Toyer, Lawrence Sullivan, Andre White, Lisa White, Dennis Bedenbender, Henry Schwartz, Freeman DeHart, Joseph Ruffin, Holliday Ruffin, David Luckey, Carol Luckey, Cecil Williams, Alice Williams, Richard Wolfe, Phyllis Wolfe, Thurman Hudson, Plaintiffs (3:16-md-02741-VC): Seth S. Webb, LEAD ATTORNEY, BROWN AND CROUPPEN P.C., St. Louis, MO.

For ELMER JORDAN, Plaintiff (3:16-md-02741-VC): James Dennis Young, LEAD ATTORNEY, Morgan [*41] and Morgan, Jacksonville, FL; Robin Lynn Greenwald, LEAD ATTORNEY, Weitz and Luxenberg, P.C., New York, NY.

For Jeduthan McCoy, Plaintiff (3:16-md-02741-VC): Patrick S. Wooten, LEAD ATTORNEY, SCHWARTZ & ASSOCIATES, PA, Jackson, MS.

For Beneda F. Masters, Plaintiff (3:16-md-02741-VC): Alexander Cubberly Davis, Jasper D. Ward, LEAD ATTORNEYS, Jones Ward PLC, Louisville, KY.

For Richard Dahl, Joyce Brode, Allan Mehrens, Doris Whitlock, William Nero, Terry Hodges, Jerry D. Morrison, Raymond Hutchison, Harry C. Sharp, Neal Dovenmuehle, Nancy Ristow, Henry Kennedy, Chirvalarie Wilson, Hubert Ballard, Edward Martin,

Bertha McRorie, Plaintiffs (3:16-md-02741-VC): Kirk John Goza, LEAD ATTORNEY, Goza Honnold Trial Lawyers, Overland Park, KS.

For Philip Dean, Plaintiff (3:16-md-02741-VC): Jacob A. Flint, LEAD ATTORNEY, FLINT LAW FIRM, LLC, Edwardsville, IL.

For Richard Parker, Virginia Parker, Plaintiffs (3:16-md-02741-VC): Eric Davis Holland, LEAD ATTORNEY, Holland, Groves, Schneller and Stolze, St. Louis, MO.

For Sharon Berenfeld, Plaintiff (3:16-md-02741-VC): Jeffrey Louis Haberman, LEAD ATTORNEY, Schlesinger Law Offices, Fort Lauderdale, FL.

For Karen Delmore-Barton, Plaintiff (3:16-md-02741-VC): [*42] Frank M. Petosa, LEAD ATTORNEY, Morgan & Morgan PA - Plantation, Plantation, FL; Robin Lynn Greenwald, LEAD ATTORNEY, Weitz and Luxenberg, P.C., New York, NY.

Russell Baxter, Plaintiff, Pro se.

For Samuel Bloechl, Plaintiff (3:16-md-02741-VC): Daniel Gallagher Alholm, LEAD ATTORNEY, Vrdolyak Law Group, LLC, Chicago, IL.

For David Keeler, Jr., Plaintiff (3:16-md-02741-VC): Brittany R. Ford, LEAD ATTORNEY, Abbott Law Group, PA, Jacksonville, FL; Steven William Teppler, LEAD ATTORNEY, Abbott Law Group, P.A., Jacksonville, FL.

For Maurice Bone, Plaintiff (3:16-md-02741-VC): Frank Michael Petosa, LEAD ATTORNEY, Morgan & Morgan, PA, Plantation, FL.

For Jerry Tingle, SCOTT BROOMFIELD, REGINA SLUGG, ROBERT GREGG, SARAH BARNARD, Plaintiffs (3:16-md-02741-VC): D. Todd Mathews, LEAD ATTORNEY, GORI AND JULIAN, P.C., Edwardsville, IL; Peter Andrew Miller, LEAD ATTORNEY, Miller DellaFera, PLC, Henrico, VA.

For Charles Hartman, Sandra Hartman, Thomas Pentecost, Cecelia Pentecost, Michele Smolley, Robert M. Stark, Mark Stolzberg, William Stone, John Stringer, Plaintiffs (3:16-md-02741-VC): James T. Corrigan, LEAD ATTORNEY, ONDER AND SHELTON, L.L.C., St. Louis, MO.

For Deborah Stringe, Jon Thornton, Nancy [*43] Thornton, Janet Walton, David Webb, Ellen Webb, Marian Welker, Roger Welker, Jolene Rhodes, Valerie Gaither, Marvin L. Alden, Margaret T. Ambrose, John Nagao Aoki Jeffrey Bailey, John Balaz, Robert R. Behrens, Max D. Berry, Richard J. Bogani, Eloy Brionez, Benjamin J. Carmon, Lawrence F. Clark,

Anthony Berlin, Donna Berlin, Elizabeth Briggs, Paul Briggs, Todd Cella, Mary Ann Cheesman, George Chillak, Lisa Damerst, Richard Dulniak, Robert Finley, Lisa Fortner, Charles Fortner, Deanna L. Gelder, Jonathan Giles, Robert Gould, Ann K. Graham, Daniel Greil, Mark Hanson, Howard Harmon, Karen Harmon, Harold Harris, Rhonda Harris, Leslie Harris, Sarah Hilker, Katherine Horne, Michael Horton, Debra Jacobsen, Benjamin Jacobsen, Tammy Jacobsen, Wendy Jones, Brian Junge, Richard Kranick, Plaintiffs (3:16-md-02741-VC): James T. Corrigan, LEAD ATTORNEY, ONDER AND SHELTON, L.L.C., St. Louis, MO.

For Joseph Pica, Matthew T. Rasey, James T. Conley, Margaret Conley, Marilyn Upshaw, James Upshaw, Amy Schmidt, Allen L. Schmidt, Ricky Hymas, Carol Hymas, Clifton Pertuit, Doreen Pertuit, Gregory Brickey, Nina Brickey, Beverly Holstrom, Charles Holstrom, Kerry L. Pflieger, Betty L. Bolyard, Larry Robbins, [*44] Guy Andriola, Patrick Litter, Debra Schreibeis, Neal Schreibeis, Timothy Butler, Cathy Butler, Plaintiffs (3:16-md-02741-VC): Seth S. Webb, LEAD ATTORNEY, BROWN AND CROUPPEN P.C., St. Louis, MO.

For Joyce Carter, Edmond Carter, The Estate of Riley Roosevelt, Ricky Sharp, Plaintiffs (3:16-md-02741-VC): Kirk John Goza, LEAD ATTORNEY, Goza Honnold Trial Lawyers, Overland Park, KS.

For Walter J. Watson, Plaintiff (3:16-md-02741-VC): Michael P. McGartland, LEAD ATTORNEY, MCGARTLAND & BORCHARDT LLP, Fort Worth, TX.

For Zander Bray, Plaintiff (3:16-md-02741-VC): Dennis C. Reich, LEAD ATTORNEY, Reich and Binstock, LLP, Houston, TX; Lindsay Anne Cordes, LEAD ATTORNEY, Thomas Law Offices, PLLC, Prospect, KY; Melissa Binstock Ephron, LEAD ATTORNEY, Reich & Binstock, LLP, Houston, TX.

For Joseph Shible, Plaintiff (3:16-md-02741-VC): Raeann Warner, LEAD ATTORNEY, Jacobs and Crumplar, P.A., Wilmington, DE.

For Lisa Breger, Anne Parker, Plaintiffs (3:16-md-02741-VC): David C. Strouss, Jotham C. Kinder, LEAD ATTORNEYS, Thornton Law Firm LLP, Attleboro, MA.

For Faisal Abedeljalil, Tammy Abedeljalil, Brenda Acosta, Brian Anderson, Leif Arvidson, Kenny Beddington, Danny Binkley, Emery Bridgers, Matthew Brown, [*45] Deborah Buss, Chris Daniels, Michael Doyle, Patricia Ermeloff, Robert Esler, Laura Faraschuk, Jesse Gates, Ronald Gleysteen, Marvin Greenleaf, Richard Hansen, Richard Hendrickson, Norman

Henson, Anthony Hoisington, Maureen Hubert, Lilian Humphries, Ken Irish, Michael Jackson, George Jennings, Linda Johnson, Lawrence Karns, Maxine Kelly, Boris Kofman, Lewis Lane, David Largent, Marcia Larson, Gary Lenna, Richard Lewis, Eugene Locken, Robert Marson, Michael Mason, Richard Mayes, Mitch Meunier, Timothy Miskinis, David Murray, Earnestine Nicholson, Jeffrey Olsen, Betty Peay, DeAnn Pinter, Robert Pruitt, Jason Ratliff, Arlie Raynor, Scott Reed, Joan Salogar, Barbara Schiltz, Peggy Sellers, Morgan Seymour, Betty Shadeck, Joseph Smith, Jennie Son, Lynn Soule, Winfred Spain, Clyde Stansell, Robert Stellflug, Norman Sundstrom, John Tanner, Darrell Tarte, Bill Theys, John Thompson, Cheryl Trowbridge, Eduardo Vazquez, Lucinda Whitley, Loren Wilhelm, Barry Willis, Thomas Zupa, Joe Coleman, Judith Keehn, Claude Smithhart, Plaintiffs (3:16-md-02741-VC): Eric Davis Holland, LEAD ATTORNEY, Holland, Groves, Schneller and Stolze, St. Louis, MO.

For Gary Burton, Plaintiff (3:16-md-02741-VC): Christina [*46] T. Natale, Lawrence L. Jones, II, LEAD ATTORNEYS, Jones Ward PLC, Louisville, KY; Douglas A Dellaccio, Jr, LEAD ATTORNEY, J. Curt Tanner, Cory Watson, PC, Birmingham, AL; R. Andrew Jones, Cory Watson, P.C.LEAD ATTORNEY, Birmingham, AL.

For William R Malin, Plaintiff (3:16-md-02741-VC): Deborah Susan Kerr, LEAD ATTORNEY, Goldberg and Osborne LLP, Phoenix, AZ.

For Glenn Laurie, Beverly Laurie, Derek Liddell, Robert Mahoney, Vincent Marsiglia, Jamie Martinez, Elliott Neuman, Phyllis Perry, Steven Perry, Daria Phillipi, Natalie Pieri, John Pieri, William Pointer, Robert Rabbit, Dale Short, Theodore Shuler, Carla Shuler, Andrea Brook, Dean Brooks, Deborah Brooks, Marie Carlisle, Rosalinda Castro, Richard Colasuonno, Dianne Cox, Christopher Dannen, Michael Furnice, Jesus Gastelum, Isabelle Gastelum, Candy Glenn, Mark Golike, Becky Golike, Michael Grasso, Derril Hayes, Cecelia Hines, Sam Hoffman, Martha Hoffman, Dena Jones, Erwin Klaas, Kevin Kraner, Thomas Laguidice, Carol Laguidice, Timm Larson, Leanne Lathrop, Robydee Laumbach, Randy Luff, Jonathan Machtemes, Richard Manegio, James Modisher, Susan Modisher, Jerry Pitman, Kaffle Pitman, Denise Pitts, Rhonda Powell, Jason Powell, Morris Price, [*47] Kathleen Price, Juan Rivera, Thomas Sampson, Renae Sampson, Frederick Sands, Timothy Scully, Daniel Shaw, Lewis Smith, III, Irene Springer, Dave Stephens, Barbara Stephens, Frederick Thornton, Fred Vanderlaan, Gary Walker, Rhonda Walker, Donald White, Denise White, Ben

Zupan, Laura Zupan, Roy Eagleson, Judith Eagleson, Terry Briscoe, Larry Briscoe, Judy Dowell, Frederick Walton, Faye Walton, Holly McCrea, Thomas Gianotti, Lynn Foley, Cindy Foley, James Davidson, Wendell Owens, Thomas Krouse, Donna Krouse, Charles Strumsky, Jerry Rachels, Mieczyslawa Rachels, Cynthia Hubbard, Arthur Hubbard, Lisa Snaza, Ken Snaza, Kevin Bridges, Bernard Farney, Carolyn Farney, Theresa Malo, Vaughn Peak, Edward D'Ettore, Sandra Arbuckle, Samuel Arbuckle, Floyd Anderson, Roger Kane, Judith Kane, Jose Rosas, Laura Rosas, Jim Reilly, Patricia Reilly, Stephen Crane, Barry Odell, Charlene Napierala, Joyce Radokovitch, Ronald Radokovitch, Michael Lapone, Lisa Lapone, Anna O'Rourke, Patrick O'Rourke, Thelma Lewis, Linda Schrack, Myron Schrack, Antoine Cade, Victoria Lewis-Smith, Cathy Desomma, Louis Desomma, Paul Simmons, Ellen Simmons, Diana Martinez, Jerold Martinez, Michael Breda, Mary Breda, Denis Brogan, [*48] Briget Abraham, Patrick Abraham, Cynthia Abrogast, Donald Abrogast, Lori Fulton, Bruce Fulton, Lorena Arzate, Manuel Arzate, Sandra Klinger, William Klinger, Terry Belt, Andrew Bahia, Michael Hughes, Gloria Hughes, Rod Behrens, Cynthia Behrens, Lou Bilotto, Charles Blake, Laura Blake, Lonnie Blalock, Ann Blalock, Stanley Bland, Terry Bostater, Katheen Bostater, Pamela Mallery, Muriel Edwards, Jerry Bourg, Delores Boykin, Laureen McCart, Mary Jean Stephens, George Raney, Gretchen Raney, Warren Jacobs, Randy Brehmer, Claire McChristy, Christopher Breeden, Richard Bridwell, Marlene Brinker, Paul Brinker, Jerry Britton, Candace Britton, Randy Heckert, Dennis Brown, Jeff Kolb, Dennis Kolb, Robert Wright, Teri Wright, Mary Butts, James Farley, Plaintiffs (3:16-md-02741-VC): James T. Corrigan, LEAD ATTORNEY, ONDER AND SHELTON, L.L.C., St. Louis, MO.

For Nancy Cimino, Philip Greenwood, Mary Ann Higgins, Jerry Staley, Caroline Staley, Betty Zorn, William Zorn, Michael Capo, Thomas Carr, Jo Anne Capo, Ashanta Cruz, Michelle Cuff, David Villagomez, Rolando Castanada, Yolanda Castanada, Luis Torres-Santiago, Elizabeth Deiters, Richard Ulrich, Jo Lair, Donna Keen, James Geringer, Jr., Sherlene Ward, [*49] James Abbott, Victor Hernandez, Robert Wetz, Kerry G. Watts, Jack Heideman, Susan Higgins, Charles Dixon, Cindi Waynick, Renee I. Gall, David Kelly Jr., David L. Kelly, Michael Hoeing, Denise Hoeing, Tina Hoerner, Alan Goebel, Margaret Goebel, Charles Johnson, Kristin Johnson, Stuart Holiday, Shawn Holiday, Terry L. Smith, Jacqueline Safieh, Kathi Edward, Raymon Howard, Cheryl Howard, Shirley

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Hoyla, Lisa Hammock, John W. Hammock Jr., Sandy Allen Hudson, Premlata Rawat Hudson, Diana Wroblewski, Laurence J. Burns, Kurt Hysen, Adele Hysen, Joanne Iannucci, Patricia Jackson, Wayne James, Catherine James, Debra Jasper, Lonnie Davis, Jacqueline Johnson, Willie Johnson, Brandon Johnson, Jamaal Johnson, Richard Johnson, Diane Hayne-Johnson, Robert Johnson, Frances Johnson, Sandra Jolly, Ronald Jumper, Evelyn Kastan, Bryan Kenyon, Eunice Kenyon, Majeed Khan, Amy Khan, John Gibson represented by Frank Michael Petosa, Robin L. Greenwald, PRO HAC VICE, Michael Klein, Kimberly Klein, Brad Kliewer, Stanko Knezevic, Ray Kolosa, Gerald Kramer, Bruce Law, Ruth Law, Stephen Lee, Sharon Lee, Mary Lee, Warren Lee, Donald Lequieu, Minh Dung Lequieu, Gregory Lewis, Rocky Loggins, Laura Loggins, Paul Loidolt, [*50] Allen Lynn, Lois Lynn, Larry Maczko, Susan Maczko, Brook R. Madden, Chad Magstadt, Jody Magstadt, Phillip Cobb, Sylvia DiFranco, Theresa Dowd, Michael Mangone, Shannon Downes, Leo Duclos, Elva Duclos, Patricia Dunn, Ronnie McGowen, Eva Darnell, James Henderson, Nancy Morgan, Lawrence Morgan, Valerie Ebert, Lois Edelman, Harry Edelman, Heather Rittenberry, Gary Rittenberry, William Edwards, Kelly Ellis, Jacob Elwess, Max Fridman, Humbert Maggiacomo, Loise Maggiacomo, David Evans, Patricia Evans, Scott Falke, Cathleen Falke, Gerald Meyers, Sheila Meyers, Kathy Koll, Donald Woldt, Madonna Woldt, Douglas Farris, Burton Feldman, Noanna Feldman, Donna Leidig, Maureen Lentz, Todd Lentz, Lori Broussard, Dean Fish, Timothy Fisher, Mary Fisher, David Stiles, Gail Stiles, William Fleming, Jr., Delbert Lockhart, Betty Lockhart, Thomas Lopez, Roger Foobar, Darla Foebart, Leslie Foley, Richard Fortner, Susan Fortner, Amanda Minoza, James Murdock, Claudia Murdock, Mavis Franklin, Anthony Franklin, Roger Marti, Marsha Marti, Duane French, Margaret Fitzgerald, Otho Fitzgerald, Michael Lynn, Leann Lynn, David Froome, Donna Froome, Glenn Fuller, Pamela Fuller, Ronald Wilhelms, Kathy Wilhelms, Bryan Futch, [*51] Bonnie Bertram, Carl McNeal, Jr., William Mercer, Nancy Mercer, Greg Detweiler, John Detweiler, Plaintiffs (3:16-md-02741-VC): James T. Corrigan, LEAD ATTORNEY, ONDER AND SHELTON, L.L.C., The University Tower, St. Louis, MO; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO; Michael Joseph Miller, The Miller Firm LLC, Orange, VA.

For Larry Schad, David Mohr, Marina Mohr, Lonnie Harvey, Donald Raper, Patricia Raper, Ken Eazell, Catrina Eazell, John Chandler, Lorrie Chandler, David Repass, Staci Repass, Iasias Chavez, Ricky Estopinal,

Mary Estopinal, Debbie Choate, Francis Ellis, Kevin Christian, Janet Christian, Peter Fareri, Mary Ann Clark, Vernon Clements, Veronica Clements, Pattilu Grogg, Ricky Buford, George Hulett, Sylvia Hulett, Christopher Cole, Dana Cole, Katheryn Holland, Lucas Holland, William Collins, Walsh Conmy, Toni Conmy, Armando Garcia, Sharron Garcia, Susan Glaser, Darrel Glaser, Darrel Glaser, Michael Corkery, Edward Cotter, Elaine Cotter, Bob Kippley, Raymond Kippley, Maureen Farr, Linda Peterson, Jerry Greif, Larry Crupper, Mardi Crupper, Kelton Boulware, Alfred Boulware, Carol Rosenau, Harold Thornton, Michael Smith, Patrick Vandyke, Harry Davies, Carol Davies, Jeff [*52] Davis, Tamela Davis, Nicole Dean, Molly Yuille, Rodney Yuille, Albert Dattilo, Roseanne Dattilo, John Demajo, Mary Demajo, Estevan Perez, Carl Vendetti, Angela Vendetti, Monica Sherman, Robert Sherman, Scott Hilyard, Lisa Hoffman, Jacquelyn Dhoogie, John Dhoogie, Patrick Diccico, Cheryl Klippa, Stephen Digiovanna, Davis Dixon, Ina Dixon, Phillip Dodson, Pauline Dodson, Glenda Hooker, Sharlie Weir, Avery Weir, Jafurl Parks, James Kovacs, Mike Kazmierczak, Milton Hayes, Gwenette Hayes, Clara Grimes, James Grimes, Richard Maddamma, Beth Gilmore, William Gilmore, Judith Sturzenbecher, Dean Sturzenbecher, Roel Samaniego, Scott Pease, Monica Harrison, David Arnold, Sandra Strauss, Clifton Palmer, Victoria Gonzalez, Peter White, Mark Warehime, Dennis Ziesman, Barbara Ziesman, Robert Ziegelmaier, Latonya Zakzak, Gene Wyrick, Sharon Williams, Alfred Williams, Shavarsh Grigorian, Siran Grigorian, Vivian Wilburn, Robert Wilburn, Mark Wesel, Jana Wesel, Eduardo Zuniga, Vilma Zuniga, Michael Weir, Mary Weir, Gerhard Wehr, Myron Berney, Colleen Berney, Robert Alvarez, Michael Wisnovsky, Myron Park, Mark Supak, Betty Supak, Leslie Wellman, Paul Amore, Mazen Charafeddine, Racha Charafeddine, Robin [*53] Curry, Ritch Edelstein, Cherie Finley, Anthony Alessi, Emma Staszel, Donald Staszel, John Szymanski, Mary Szymanski, Monica Webb, Robert Fowler, Gisela Fowler, Ted Galloway, Shawnda Galloway, Jeffery Phillips, Sandra Phillips, Ronald Peterson, Martha Peterson, Cory Scott, Alicia Scott, Juanita Gradney, David Moe, Leann Moe, Mark Stopar, Mary Stopar, Phillip Thompson, Stacy Thompson, Susan Burrows, Randy Burrows, Shirley Skorr, Kermit Skorr, Jerralyn Neal, Elisabeth Johnston, James Decourcy, Roger Craft, Howard Montaigne, Cheryl Montaigne, Darrell Berger, Earl Hertel, Henry Gavin, Maria Gavin, Katherine Geary, John Reich, Merle Noll, Danny Olson, James Pawling, Kate Pawling, Kay Godby, William Cramer, Plaintiffs (3:16-md-02741-VC): James T. Corrigan, LEAD ATTORNEY, ONDER AND SHELTON, L.L.C., The University Tower, St.

Louis, MO.

For Ruby Pemberton, Haykoush Kzlgezyan, Aram Aslanyan, George Connolly, Roger Lewis, Catherine Lewis, Mary Chalupsky, Laverne Chalupsky, Clyde Gosnell, Christopher Vining, Adelbert Reagan, Sandra Reagan, Marcia Coulter, Troy Coulter, Robert Barnes, Cristina Barnes, Carol Green, Marvin Green, Victoria Ring, Thomas Greenwood, Connie Greenwood, Edmund Grice, Robert [*54] Barry, Lori Barry, Mark Braswell, Charles Grimes, Sharon Hardy-Mills, Eric Roy, Curtis Heidel, Helen Heidel, Gerald Gross, Nanette Guillory, Steven Pitt, Donald Hensley, Linda Hensley, Bradley Kusik, Kerry Kusik, Claude Lipscomb, Carole Lipscomb, Catherine Hagemeyer, Carlos Smith, Michele Smith, Katherine Smith, Rick Smith, David Prewett, Carla Prewett, Sandy Sorin, Robert Sorin, Larry Hansen, Denise Hansen, Dylan Hanson, Linda Soutsas, Peter Soutsas, Theresa Ross, William Wilkinson, Omar Tatman, Dale Harkins, Richard Harmeyer, Lenore Harmeyer, Cynthia Wilson, Ralph Wilson, Stephen Havis, Carlos Trevino, Angela Trevino, Joseph Robichaud, Ronald Rogers, Mary Rogers, Jill Rolland, Frank Rolland, Michael Rose, Lisa Rose, Frederick Rubik, Annette Rudy, Gary Rudy, Ralph Schmoller, Nancy Schmoller, Janet Schneider, Richard Schoonover, Allyn Schultz, Carolyn Scott, Robert Wayne Scott, Glenn Seifrit, Barbara Seifrit, Anthony Serva, Larry Shelton, Thomas Smith, Jeanne Smith, Gary Spaeth, Sandra Spaeth, Robert Spande, Janet Spande, David Stark, Gary Steck, Cheryl Stensrud, Bradley Stensrud, Brent Stephens, George Stephenson, Eddy Stitt, Brenda Stitt, Marilyn Stovall, Philip Strohmaier, Rosemary [*55] Strohmaier, Larry Sweatt, Wanda Holland, William Tamargo, Catherine Tamargo, Nancy Taylor, Richard Taylor, Patrick Thompson, Julius Tiarks, Joyce Tiarks, John Traver, Brenda Tyree, Terry Underwood, Tracy Underwood, Arizeder Urreiztieta, Dianne Iauco, Leonard Vanderwiede, Robert Watkins, John Webb, Sr., Cecilia Webb, Robert Otto, Colleen Otto, Jeff Hall, Darla Hawley, Randall Hawley, Brenda Huerta, James Huerta, Aaron Johnson, James Altman, Brenda Lage, David Lage, Paul Almeida, Anne Almeida, Sherry Boyd, Kirk Boyd, Frank Boyd, Evelyn Boyd, Marshall Crow, Richard Foster, Brenda Foster, Plaintiffs (3:16-md-02741-VC): James T. Corrigan, LEAD ATTORNEY ONDER AND SHELTON, L.L.C. St. Louis, MO.

For Sterling Bates, Antonio Andrade, Jr., Barton Baron, Wayne Bolt, Joseph R. Bork, Jr., Maude Bradley, Faina Brainin, Warren Curtiss, Richard M. Daley, Joann Delfino Smith, Marilyn Denzine Morris, Geraldine Dimaio, Laurence B. Dittmer, Crystal Lynne Gray, Kurt

Farenchak, Dennis L. Federle, Neil J. Hadley, Clifford Hall, Ernest D. Hendricks, Pamela A. Higgenbotham, Susan C. McNair, James M. Muter, David B. Ochab, Leatha J. Orr, Andrew J. Pollastro, Lori Ratzke, Plaintiffs (3:16-md-02741-VC): James T. [*56] Corrigan, LEAD ATTORNEY ONDER AND SHELTON, L.L.C. St. Louis, MO; Pedram Esfandiary, Baum Hedlund Aristei and Goldman, Los Angeles, CA.

For Jacob Ratzke, Taylor Ratzke, Ethan Ratzke, Donald G. Richardson, Irene Risner, Mary Ann Rogers, Norma Saltzman, Kyle J. Sanders, James Allen Strubinger, Michael Symons, Madeline Urwin, Robert A. Urwin, Michael J. Urwin, Joshua D. Wright, Lloyd Nelius, James Brown, Rose Byrne, Brett Everett, Cory Fisher, Beckett Jones, Kurt Knox, Joel MacDonald, Arthur Puckett, Pat Richard, Erwin Sikorski, Dennis Sorensen, Tim Hensley, Helena Jochaniewicz, Jim Moore, Tessie Thompson, Sally Richards, Josephine Ponella, Lisa Chain, John Webb, Gerald R. Feranec, Patricia Crawford, Michael L. Hoskin, Ouida M. Huber, Ryan C Hudson, Daniel W. Hunnell, Jr., Bruce Inglese, Bernard Jackson, Carl E. James, Terri James, Andrew L. Jordan, Willa I. Kiddy, Doris E. King, James A. Knieling, Dorothy C. Koonce, Keith A Krayner, Vicky Laybourne, Darrell L. Ledford, Jeffrey R. Lubonty, Susan K. Marra, Joseph J. McCarter, Jimmy D. McFarland, Daniel W. Miller, Timothy J. Niemiec, Mark E. Patten, Jan Patters, Diane C. Pellin, Constance L. Perkins, Lilian Ann Perkins, Bradley C. Pfaff, Philip [*57] P. Pirani, Mark A Poteat, Alan Dean Randa, Vito F. Russo, Pamela J. Sanders, Derek J. Santoro, Ann E Schiro, Corey A. Schott, Jane A. Simpson, Kenneth G. Smith, Phillip A. Sperl, Dana D Spires, Moyle H Surrette, Jess A. Suter, Douglas E Swenson, Salina L. Tarantino, Samuel L. Thacker, Deborah Tietje, Matthew Tietje, Megan T. Primeau, Molly T. Mallet, Ree L. Tschetter, Troy Van Genderen, Jason Mack Vaughn, Flora Noel, Lance Noel, Delecia Scott, Curtis Campbell, Beverly Taylor-Adams, Elaine W Sasser, Matt Dettlebach, Robert Poindexter, Angela Young, Sandra Watt, Barbara Beabout, Scott Marques, Brenda Smith, David Strenk, Martha Fiese, Janice Demadona, Karl Castille, Plaintiffs (3:16-md-02741-VC): James T. Corrigan, LEAD ATTORNEY, ONDER AND SHELTON, L.L.C., St. Louis, MO; Pedram Esfandiary, Baum Hedlund Aristei and Goldman, Los Angeles, CA.

Patta A. Lane, Plaintiff, Pro se.

For Karl Castille, Judy Castille, Tommy Lawson, Billie Jean Clayton, Donna M. Coker, Lance T. Conner, Robert E. Counselman, Tyler N. Crafton, Brian Crotts, Patricia B. Dover, Carmen K. Ellington, Paul J. Fieber,

Hillard Hall, Jr., Dorothea R. Halligan, Rebecca Kidwell-Rowe, Duane Madsen, Edwin M. Mason, Thomas H. McLaughlin, [*58] Steven E. Merritt, Joann M. Meyhoefer, Douglas B. Moore, Lisa M. Pecora, Thomas L. Qualls, David W. Reagan, Kenneth A. Robertson, Edward J. Ruff, Scott Scharf, Gary R. Skeie, Kenneth A. Smith, Ladonna K. Sparks, John M. Struewing, James I. Taylor, Linda M. Verchereau, Carol Young Jones, Paul Acton, John T. Adams, Sandra Adkins, Barbara Baker, Roberto Balderas, Joseph Batiste, William Bloome, Jeffrey Bradley, Rodney Broussard, Tommy Byford, Jeffrey Byram, Wesley Cormican, Joshua Davis, Harold Davis, Jack Dominick, Russell Dunn, Jack Epstein, James Halacheff, Wayne Hardy, Ernest Hebert, Carol Jones, Robert Konopa, Beverly Mancini, Kevin McFarland, Stephen Meyer, Donna O'Brien, Beverly Perrin, Charles Rider, Daisy Robinson, Domingo Rodriguez, Robert Rydin, Steve Sabac, Karen Savant, Wayne Schmitz, Geoffrey Smith, Holly Staggs, Susan Tabone, Ronnie W. Walker, Harold Wallace, Steve Weintraub, Eddie Williams, Ruth Guthrie, Jimmy Turner, Janice Baty, Manuel Garcia, Gary Cordell, Joseph Saurini, Plaintiffs (3:16-md-02741-VC): James T. Corrigan, ONDER AND SHELTON, L.L.C., St. Louis, MO; Pedram Esfandiary, Baum Hedlund Aristei and Goldman, Los Angeles, CA United States.

For Mark G. Larsen, Plaintiff [*59] (3:16-md-02741-VC): Pedram Esfandiary, Baum Hedlund Aristei and Goldman, Los Angeles, CA United States.

For Billy Worth, Alicia Worth, Plaintiffs (3:16-md-02741-VC): Larry F Woods, LEAD ATTORNEY, Larry F Woods Law Office, Oelwein, IA; Anthony James Nemo, Minneapolis, MN.

For Estate of Mary DiBeneditto, Stephen DiBeneditto, Plaintiff (3:16-md-02741-VC): David J. Wool, LEAD ATTORNEY, PRO HAC VICE, Andrus Wagstaff, PC, Lakewood, CO.

For Michael Klodzinski, Plaintiff (3:16-md-02741-VC): Fidelma L Fitzpatrick, LEAD ATTORNEY, Motley Rice LLC, Providence, RI; Yvonne M. Flaherty, LEAD ATTORNEY, Lockridge Grindal Nauen PLLP, Minneapolis, MN.

For Debra Torres, Shirley Lee, Harvey T. Curtis, Linda Montgomery, Philip Caminiti, Bert Bazert, Plaintiffs (3:16-md-02741-VC): Kirk John Goza, LEAD ATTORNEY, Goza Honnold Trial Lawyers, Overland Park, KS.

Laurie Marniella, Plaintiff, Pro se.

Laurie Marniella, Plaintiff, Pro se.

For Michael Marniella, Robert Hempy, Phyllis Hempy, Roger Stanley, Paul W. Doles, Joseph Duppstadt, Jamie Duppstadt, Stephanie Gentile, Charles Gentile, Linda Grove, Thomas Grove, Steven Rangel, Sandra Rangel, Sandra Rangel, Geoffrey Smith, Sergio Martinez, Jennifer Martinez, Kenneth Cavey, [*60] Bridget Cavey, Lyndell Wernsing, Robert Belsey, Albert Angel, Leslie Angel, Howard Bare, Donald Bryner, Melanie Bryner, John Cain, Clara Cain, Keith Dalrymple, Ken Disney, Randall Goskowicz, Maki Goskowicz, Stephanie Gracayk, Michael Gracayk, Denise Hannusch, Donald Hannusch, Douglas Koch, Cynthia Koch, Cynthia Laney, Wayne Linnemier, Treasa Linnemier, Tracy Magee, Timmathy Noe, Plaintiffs (3:16-md-02741-VC): James T. Corrigan, LEAD ATTORNEY, ONDER AND SHELTON, L.L.C., St. Louis, MO.

For Dakota Noe, Gary Phillips, Christopher Pruett, Carlia Pruett, Brenda Ricker, Robert Ross, Bruce Rutland, Kimberly Rutland, Stephen Salapata, Barbara Salapata, Carl Sanderson, Jeff Sosby, Tammy Sosby, Fred Robinson, Earl McCann, Maria McCann, James Van Oosten, Terri Van Oosten, Brenda Ashton, Nancy Balcom, as Next of Kin for Robert Balcom, Kenneth Barker, Kari Barker, Angie Berberian, Ramro Castillo, Olga Castro, Alejandro Castro, Rafael Castro, Richard Cohn, Tina Follett, Patrick Follett, Dina Gehring, Lyle Gehring, Mason Geisinger, Amy Jennings, Tiffany Kay, Pamela G Kles, Jo Kles, Kathleen Kofler, Kevin Kofler, Tina Lawrence, Bev Lindsay, Margaret Mallard-Agbo, Samuel Mendoza, Joanne Miller, Nancy [*61] Malloy, Douglas Nahale, Jip Nahale, David Polanco, Carol Evans, Daniel Ramirez, Michael Randall, Susan Rustan, John Sanders, Laurence Simmons, Susanne Simmons, Joseph Smith, Kenneth Smith, Sandra Smith, Ulises Spanbauer, Janelle Spanbauer, Jane A. Swartz, Michael Terry, Benita Trujillo, Pete Castillo, Frank Veloz, Rael Zaritsky, Eric Brown, Plaintiffs (3:16-md-02741-VC): James T. Corrigan, LEAD ATTORNEY, ONDER AND SHELTON, L.L.C., St. Louis, MO.

For Dorothy J. Swisher, Plaintiff (3:16-md-02741-VC): BRIAN J. MCCORMICK, JR., LEAD ATTORNEY, Dena Rachel Young, Ross Feller Casey LLP, Philadelphia, PA.

For For Laura Frank, William Frank, Plaintiffs (3:16-md-02741-VC): Seth S. Webb, Brown & Crouppen, P.C., St. Louis, MO.

For Ludie Johnson, Carl Bradley, Betty Bradley, Gilbert Torres, Belinola Torres, Barry Harley, Kelly Harley, Wayne Nelson, Arlene Nelson, Aida O'Brien, Lawrence Killmeier, Linda Killmeier, Jerry Luellen, Louisa Luellen,

Kenneth Leckvold, Joan Leckvold, Janine C. Tyson, Billy Rievley, Judith Rievley, Bruce Moore, Delores Moore, Kimberly K. Clark, Plaintiffs (3:16-md-02741-VC): Seth S. Webb, LEAD ATTORNEY, Brown & Crouppen, P.C., St. Louis, MO.

For Larry Tosi, A. Dana Dunne, Plaintiffs [*62] (3:16-md-02741-VC): David C. Strouss, LEAD ATTORNEY, Thornton Law Firm LLP, Boston, MA.

For Rawleigh L Marsh, John Gordon Young, Sally Crabtree, on behalf of the Estate of Edward L. Crabtree, James D. Baker, Valerie Wood, Armando Campos, Edith Corrales, Albert James Palmer, John C Buell, Gregory Johnson, Cathy Johnson, Kristen Miller, Linda J. Dennis, Jimmy G. Dennis, Patricia I. Fiddie, Stephen Fiddie, Gary Kellogg, Katherine Kellogg, Jay Logg, Plaintiffs (3:16-md-02741-VC): David J Diamond, LEAD ATTORNEY, Goldberg and Osborne - Tucson, Tucson, AZ.

For Melissa Richardson, Estate of Donald W. Wood, by and through his Executor Debra Wood, Debra Wood, surviving spouse of Donald W. Wood on behalf of all legal heirs of Donald W. Wood, Donovan Darroh, Carl Overton, Donald Nickerson, Alfred Carroll, Plaintiffs (3:16-md-02741-VC): Kirk John Goza, LEAD ATTORNEY, Goza Honnold Trial Lawyers, Leawood, KS.

For Isaiah D. Wilson, Ricardo Alaniz, Peggy Deese, Joseph McMillion, Plaintiffs (3:16-md-02741-VC): Kirk John Goza, Goza Honnold Trial Lawyers, Leawood, KS.

For Tommy Lovett, Valetta Lovett, Plaintiffs (3:16-md-02741-VC): Eric Davis Holland, Holland, Groves, Schneller and Stolze, St. Louis, MO.

[*63] For Michael Adams, Plaintiff (3:16-md-02741-VC): Mason Lee Boling, Keith, Miller, Butler, Schneider & Pawlik, P.L.L.C., Rogers, AR; Sean T. Keith, LEAD ATTORNEY, Keith, Miller, Butler, Schneider, Pawlik, Rogers, AR.

For William Terry, Plaintiff (3:16-md-02741-VC): Trevor Bruce Rockstad, LEAD ATTORNEY, Davis & Crump, PC, Gulfport, MS.

For Justin R. Martino, Jenni Martino, Plaintiffs (3:16-md-02741-VC): Kenneth John Brennan, LEAD ATTORNEYS, TorHoerman Law LLC, Edwardsville, IL.

For Thelma Rowlee, Plaintiff (3:16-md-02741-VC): Jay A. Urban, LEAD ATTORNEY, Urban Taylor s.c., Milwaukee, WI.

For George D Smith, Plaintiff (3:16-md-02741-VC): Nicholas Ryan Rockforte, LEAD ATTORNEY, Pendley, Baudin & Coffin, LLP (New Orleans), New Orleans, LA.

For Dale Trappen, Aileen Trappen, Plaintiffs (3:16-md-02741-VC): Leslie W. O'Leary, LEAD ATTORNEYS, PRO HAC VICE, Johnson Johnson Lucas & Middleton PC, Eugene, OR.

For John R. Simmons, Elizabeth Simmons, Plaintiff (3:16-md-02741-VC): Jonathan Wesley Johnson, LEAD ATTORNEYS, Jonathan W. Johnson, LLC, Atlanta, GA.

For Jean Kapolnek, Plaintiff (3:16-md-02741-VC): Kenneth Thomas Lumb, LEAD ATTORNEY, Corboy and Demetrio, Chicago, IL.

For William Ginger, Plaintiff (3:16-md-02741-VC): [*64] Matt L. Lindsay, LEAD ATTORNEY, Odom & Elliott P.A., Fayetteville, AR.

For Steven B. Coley, an individual, Plaintiff (3:16-md-02741-VC): Brittany R. Ford, Steven William Teppler, LEAD ATTORNEYS, Abbott Law Group, P.A., Jacksonville, FL.

For Clint M. Cuevas, Plaintiff (3:16-md-02741-VC): Dennis C. Reich, LEAD ATTORNEY, Reich and Binstock, LLP, Houston, TX; Rogen K. Chhabra, LEAD ATTORNEY, CHHABRA & GIBBS, PA, Jackson, MS.

For Phillip J Hobson, Plaintiff (3:16-md-02741-VC): Beth E. Terrell, LEAD ATTORNEY, Terrell Marshall Law Group PLLC, Seattle, WA.

For Janice Hobson, Plaintiff (3:16-md-02741-VC): Beth E. Terrell, Terrell Marshall Law Group PLLC, Seattle, WA.

For James O. King, III, Cara M. King, Plaintiffs (3:16-md-02741-VC): Ashton R. Smith, LEAD ATTORNEY, Jennifer A. Moore, LEAD ATTORNEY, Grossman & Moore, PLLC, Louisville, KY.

For Sally J. Sobrepena, Robert R. Sobrepena, Plaintiffs (3:16-md-02741-VC): Ann L Moderie, LEAD ATTORNEY, MODERIE LAW FIRM, PLLC, Polson, MT.

For Earnest Bolden, Kenneth Pool, David Carr, David Burman, Jerry Bonham, Caitlyn Loftis, Herbert Strunk, III, Nanci Strunk, Izetta White, George Gajdzik, Vernon Dunston, Ruth Dunston, Plaintiffs (3:16-md-02741-VC): Kirk John [*65] Goza, LEAD ATTORNEY, Goza Honnold Trial Lawyers, Overland Park, KS.

For Dorothy Mitchell, Bonnie Parrish, Mary Ann Yagy, Ronnie Stevenson, Drew Ballow, Herbert Zeman, Valerie Rump, Loretta Buckingham, Chantel Grant, James Hardy, Glenn, John Brooks, Gene Magwire,

Betty Nolan, Mary Fitch, Beth Campbell, Teresea Anderson, Plaintiffs (3:16-md-02741-VC): D. Todd Mathews, LEAD ATTORNEY, GORI AND JULIAN, P.C., Edwardsville, IL; Peter Andrew Miller, LEAD ATTORNEY, Miller DellaFera, PLC, Henrico, VA.

For Albertine McCord, Plaintiff (3:16-md-02741-VC): Ann Estelle Rice Ervin, LEAD ATTORNEY, Motley Rice, Mt Pleasant, SC.

For Estate of Sandra Askew, Estate of Roger Cramer, Andrew Moreau, Stephanie Moreau, Plaintiffs (3:16-md-02741-VC): Alyson L. Oliver, LEAD ATTORNEY, Troy, MI.

For Armando Vargas Chavez, Plaintiff (3:16-md-02741-VC): Jonathan L Nielsen, LEAD ATTORNEY, Nielsen Peterson and Nielsen LLP, Camarillo, CA.

For LEO NOBLE, Plaintiff (3:16-md-02741-VC): BRIAN J. MCCORMICK, JR., LEAD ATTORNEY, Ross Feller Casey LLP, Philadelphia, PA.

For Gary O'Bryant, Plaintiff (3:16-md-02741-VC): Douglas A Dellaccio, Jr, LEAD ATTORNEY, Cory Watson, PC, Birmingham, AL; James Curtis Tanner, LEAD ATTORNEY, Cory [*66] Watson, P.C., Birmingham, AL United State; Robert Andrew Jones, LEAD ATTORNEY, Cory Watson, P.C., Birmingham, AL; Robert Eugene Shuttlesworth, LEAD ATTORNEY, Shrader and Associates LLP, Houston, TX.

For Kenneth D Braasch, Teresa Braasch, Gordon A. Monten, Jr., on behalf of the estate of Susan Monten, Plaintiffs (3:16-md-02741-VC): Beth E. Terrell, LEAD ATTORNEY, Terrell Marshall Law Group PLLC, Seattle, WA.

For Monsanto Company, Defendant (3:16-md-02741-VC): Ann Elizabeth Blackwell, LEAD ATTORNEY, Thompson Coburn LLP, St. Louis, MO; Bradford John Robinson, LEAD ATTORNEY, Wendy D May, LEAD ATTORNEY, Hartline Dacus Barger Dreyer LLP, Dallas, TX; Carol D. Browning, LEAD ATTORNEY, Stites & Harbison, PLLC - Louisville, Louisville, KY; David P. Strup, LEAD ATTORNEY, Shumaker, Loop & Kendrick - Toledo, Toledo, OH; Heather Ann Pigman, LEAD ATTORNEY, Eric G. Lasker, PRO HAC VICE, Eric Gordon Lasker, PRO HAC VICE, Gary Ira Rubin, James Michael Sullivan, Joe G. Hollingsworth, PRO HAC VICE, Katharine R. Latimer, Kirby T. Griffis, Martin C Calhoun, Ranjit Dhindsa, William James Cople, Robert E. Johnston, Hollingsworth LLP, Washington, DC; James E. Hooper, LEAD ATTORNEY, Wheeler Trigg O'Donnell LLP, [*67] Denver, CO; James Shelson, LEAD ATTORNEY, Jerome C. Hafter, Robert Gregg

Mayer, PHELPS DUNBAR LLP - Jackson, Jackson, MS; Katharine Lester Mowery, LEAD ATTORNEY, Kelly E. Farnan, LEAD ATTORNEY, Richards, Layton & Finger, PA, Wilmington, DE; Michael F. O'Connor, LEAD ATTORNEY, Ogawa Lau Nakamura & Jew, Honolulu, HI; Randall H Stefani, LEAD ATTORNEY, Rebecca Elizabeth Reif, LEAD ATTORNEY, Ahlers & Cooney, P.C., Des Moines, IA; Richard A Clark, LEAD ATTORNEY, Richard Alden Clark, LEAD ATTORNEY, Parker Milliken Clark O'Hara and Samuelian, Los Angeles, CA; T. Jay Seale, III, LEAD ATTORNEY, Glen Ray Galbraith, Seale & Ross, APLC (Hammond), Hammond, LA; Christine F. Miller, Husch Blackwell LLP, St. Louis, MO; D. Matthew Moscon, Lauren E. Hosler, STOEL RIVES, SALT LAKE CITY, UT; George Carter Lombardi, James M. Hilmert, Winston & Strawn LLP, Chicago, IL; Glen R Galbraith, Seale & Ross (HAM), P O Drawer, Hammond, LA; KELLY E. JONES, HARRIS BEACH PLLC, NEWARK, NJ; MATTHEW J. JUNK, DEASEY, MAHONEY, VALENTINI, NORTH LTD., PHILADELPHIA, PA; Michael K. Huffer, Ronald F. Krause, CASSEM, TIERNEY LAW FIRM, Omaha, NE; Spencer Hal Silverglate, Clarke Silverglate, P.A., Miami, FL; Steven Robert Platt, [*68] Parker Milliken, et al., Los Angeles, CA.

For Ragan and Massey, Inc., Defendant (3:16-md-02741-VC): Ernest Paul Gieger, Jr., LEAD ATTORNEY, Eric Stewart Charleston, William A. Barousse, Gieger, Laborde & Laperouse, LLC (New Orleans), New Orleans, LA.

For Joint Glyphosate Task Force, LLC, Defendant (3:16-md-02741-VC): John Francis Olinde, LEAD ATTORNEY, Chaffe, McCall, Phillips, Toler & Sarpy, New Orleans, LA; Amy L. McIntire, Peter Joseph Rotolo, III, Chaffe McCall LLP (New Orleans), New Orleans, LA; Peter L. Gray, PRO HAC VICE, Dentons US, LLP (Washington), Washington, DC.

For Wilbur-Ellis Company, LLC, Wilbur-Ellis Feed, LLC, Defendants (3:16-md-02741-VC): Joe G. Hollingsworth, PRO HAC VICE, Eric Gordon Lasker, PRO HAC VICE, Hollingsworth LLP, Washington, DC.

For Osborn & Barr Communications, Inc., Osborn & Barr Holdings, Inc., Defendants (3:16-md-02741-VC): David G. Ott, LEAD ATTORNEY, John F. Cowling, LEAD ATTORNEY, ARMSTRONG TEASDALE LLP, St. Louis, MO; Scott Timothy Jansen, Armstrong Teasdale, LLP, St. Louis, MO.

For Lorna Zerba, Defendant (3:16-md-02741-VC): David J Diamond, LEAD ATTORNEY, Goldberg and Osborne - Tucson, Tucson, AZ.

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For United States of America, Respondent (3:16-md-02741-VC): **[*69]** Raven Marie Norris, LEAD ATTORNEY, US Attorneys Office, Civil Division, San Francisco, ca; Aimee Wagstaff, Andrus Wagstaff, PC, Lakewood, CO. For Michael J. Miller, Respondent (3:16-md-02741-VC): Michael Joseph Miller, The Miller Firm LLC, Orange, VA; For Texas A&M University, Patricia Beldsoe, Movants (3:16-md-02741-VC): Kimberly Fuchs, LEAD ATTORNEY, Texas Office of the Attorney General, Administrative Law Division, Austin, TX.

For Jesudoss Rowland, Movant (3:16-md-02741-VC): Lawler E. William, LEAD ATTORNEY, Vinson and Elkins, Washington, DC.

For Bayer Corporation, Defendant (3:16-md-02741-VC): W. Jason Rankin, LEAD ATTORNEY, Hepler Broom LLC-Edwardsville, Edwardsville, IL; Anthony Nolan Upshaw, Melissa Raspall Alvarez.

For Walmart Inc., Defendant (3:16-md-02741-VC): Priya Navaratnasingham, LEAD ATTORNEY, Phillips Spallas & Angstadt LLP, San Francisco, CA; Robert Kirk Phillips, LEAD ATTORNEY, Phillips Spallas & Angstadt LLP, Six Floor, San Francisco, CA.

For Nellie Ban Dan, Defendant (3:16-md-02741-VC): Curtis George Hoke, LEAD ATTORNEY.

For Monsanto Enviro-Chem Systems Inc, Defendant (3:16-md-02741-VC): Joshua Hugh Umbarger, LEAD ATTORNEY, Ryan Earhart, Earhart Overstreet LLC, Charleston, **[*70]** SC.

For Helena Agri-Enterprises LLC, Defendant (3:16-md-02741-VC): James Andrew Bradshaw, LEAD ATTORNEY, Ronald K Wray, II, Gallivan White and Boyd, Greenville, SC.

For South Carolina Department of Transportation, Defendant (3:16-md-02741-VC): Lisa Arlene Thomas, LEAD ATTORNEY, Thompson and Henry, Conway, SC.

For Judith Ross, Defendant (3:16-md-02741-VC): Seth S. Webb, Andrew W. Hutton, Daniel K. Back, Mark R. Niemeyer, LEAD ATTORNEYS.

For Vernon Redmon, Defendant (3:16-md-02741-VC): Daniel Christopher Burke, LEAD ATTORNEY.

For Poudre Valley Co-Operative Association, Inc., Defendant (3:16-md-02741-VC): Jeffrey A. Massey, LEAD ATTORNEY, Stinnett Law Group PLLC, Colorado Springs, CO.

For Donald V. Scott, Defendant (3:16-md-02741-VC): Wendy R. Fleishman, Joe G. Hollingsworth, LEAD ATTORNEYS; Karen Elizabeth Evans,.

For Katherine A Tostenrude, Defendant (3:16-md-02741-VC): Timothy Rolland Tesh, LEAD ATTORNEY, RESSLER TESH, STE 2200, SEATTLE, WA.

For Gina Wengerd, Defendant (3:16-md-02741-VC): Caitlin Leah Slessor, LEAD ATTORNEY.

For Harry's Hardware Inc., Ohio Security Insurance Company, as the liability insurer of Harry's Hardware, Inc, Defendants (3:16-md-02741-VC): Andrew D. Weinstock, LEAD **[*71]** ATTORNEY, Christian B. Bogart, Joseph Edward Bearden, III, Duplass, Zwain, Bourgeois, Pfister, Weinstock & Bogart, Three Lakeway Center, Metairie, LA.

For Browning Farms Inc, Defendant (3:16-md-02741-VC): Brett Harris Bayne, Sterling G Davies, LEAD ATTORNEYS, McAngus Goudelock and Courie LLC, Tenth Floor, Columbia, SC.

For Helena Agri-Enterprises LLC, doing business as, Helena Chemical Co, Defendant (3:16-md-02741-VC): James Andrew Bradshaw, Ronald K Wray, II, LEAD ATTORNEYS, Gallivan White and Boyd, Greenville, SC.

For Kimberly McKinnon, D.O., Defendant (3:16-md-02741-VC): Patrick James Vezino, Ruth Virginia Enright, LEAD ATTORNEYS, BAKER and ENRIGHT, United Sta, Chicago, IL.

Northwestern Memorial Healthcare dba Northwestern Medicine, Defendant, Pro se.

Nicholas Zoretic, D.O., Defendant, Pro se.

For John Thomas Moore, Jr., Defendant (3:16-md-02741-VC): Jere L. Beasley, Beasley Allen Crow Methvin Portis & Miles, P.C., Montgomery, AL; John E. Tomlinson; LaBarron N. Boone, Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., Montgomery, AL; Rhon E Jones, PRO HAC VICE, Beasley, Allen, Crow, Methvin, Portis and Miles, PC, Montgomery, AL.

For Central Alabama Farmers Cooperative, Inc., Defendant **[*72]** (3:16-md-02741-VC): Stanley Dagnal Rowe, Jr., Wilmer & Lee, P.A., Huntsville, AL.

For Helena Agri-Enterprises LLC, Defendant (3:16-md-02741-VC): Jacqueline Russell Garner, JRG Law Offices, LLC, Selma, AL.

For Home Depot USA, Inc., Defendant (3:16-md-02741-VC): Joshua Seth Goodman, LEAD ATTORNEY, Ruta Valerie Paskevicius, Goodman Neuman Hamilton LLP, San Francisco, CA.

For University of Illinois-Chicago, Defendant (3:16-md-02741-VC): Brett Michael Mares, LEAD ATTORNEY, Heyl Royster Voelker & Allen, P.C., Chicago, IL; Jordan

2023 U.S. Dist. LEXIS 56991, *72

W. Emmert, LEAD ATTORNEY, Heyl, Royster, Voelker & Allen, Rockford, IL.

Susan Jo Sullivan, Defendant, Pro se, Houston, TX.

For Alice Bolles Economy, Defendant (3:16-md-02741-VC): Dylan James Hooper, LEAD ATTORNEY.

For Robert Kenneth Walker, Defendant (3:16-md-02741-VC): T Michael Morgan, LEAD ATTORNEY, Morgan and Morgan, Orlando, FL.

For Sr. Phillip M. Ragazzo, Defendant (3:16-md-02741-VC): Carrie R. Guest, LEAD ATTORNEY; HENRY FOREST HORNE, JR., MARTIN & JONES, PLLC, RALEIGH, NC.

For JULIEANN CANZONI, Defendant (3:16-md-02741-VC): Jonathan Michael Ashton, Michael D. Bell, Paul D. Rheingold, Paul D. Rheingold.

For Charles A Cotrone, Defendant (3:16-md-02741-VC): Paul D. Rheingold, [*73] Paul D. Rheingold, Larry D. Helvey.

For Lorraine Magdalena Tumenas, Defendant (3:16-md-02741-VC): T. Michael Morgan, LEAD ATTORNEY; Genevieve Katherine Chambers.

For Bayer Aktiengesellschaft, Defendant (3:16-md-02741-VC): John F. Lynch, LEAD ATTORNEY, Wachtell Lipton Rosen and Katz, United Sta, New York, NY; Martin C Calhoun.

For Werner Baumann, Liam Condon, Johannes Dietsch, Wolfgang Nickl, Werner Wenning, Defendants (3:16-md-02741-VC): John F. Lynch, LEAD ATTORNEY, Wachtell Lipton Rosen and Katz, United Sta, New York, NY.

For Harwell's Green Thumb Nursery, Inc., Defendant (3:16-md-02741-VC): Gerald Carl Swann, Jr., William Henry Brittain, II, LEAD ATTORNEYS, Ball, Ball, Matthews & Novak, P.A., Montgomery, AL.

For Janet Tudal, Defendant (3:16-md-02741-VC): Laura T. Daly.

For DONALD ROSE, Defendant (3:16-md-02741-VC): Brian Ward Easton, Law Ofc W Douglas Easton, Costa Mesa, CA; Mani S. Navab, Easton and Easton, LLP, Costa Mesa, CA; William Douglas Easton, Attorney at Law, Costa Mesa, CA.

For Albert Baiocchi, Defendant (3:16-md-02741-VC): Rebecca Laine Fredona, Joe G. Hollingsworth, Joseph H. Blum, LEAD ATTORNEYS.

For Bayer CropScience LP, Defendant (3:16-md-02741-VC): Joe G. Hollingsworth, [*74] LEAD ATTORNEY,

PRO HAC VICE; Eric G. Lasker, PRO HAC VICE.

For Mardell Hochstein, Defendant (3:16-md-02741-VC): David A. Domina, David A. Domina, LEAD ATTORNEYS.

For Monsanto Company, Defendant (3:16-md-02741-VC): Chad C. Messier, LEAD ATTORNEY, Dudley Newman Feuerzeig LLP, St. Thomas, VI; David R. Rudd, LEAD ATTORNEY, Husch Blackwell LLP, Salt Lake City, UT; Jennise Walker-Stubbs, Joe G. Hollingsworth, Jennise Walker-Stubbs, Jennise Walker-Stubbs, LEAD ATTORNEYS; Ryan S. Killian, LEAD ATTORNEY, Shook Hardy and Bacon LLP, Houston, TX; Alicia J. Donahue, Shook Hardy & Bacon L.L.P., San Francisco, CA; Christopher Michael Sorenson, Dalton Ray Mott, Shook, Hardy and Bacon L.L.P., Kansas City, MO; Eric Gordon Lasker, John Lawrence Ackley, Kenneth Lee Marshall, Samuel Zachary Fayne, Tamarra Matthews Johnson, William Hoffman; Frederic William Norris, Dentons US LLP, Los Angeles, CA; Hassia Diolombi, Shook, Hardy Bacon LLP, Miami, FL; Jay Joseph Schutttert, Jennifer Elaine Hackman, Evans Fears & Schutttert LLP, Las Vegas, NV; Jeffrey M. Wintner, Wachtell, Lipton, Rosen and Katz, New York, NY; John R. Vales, Dentons US LLP, Fourth Floor, Short Hills, NJ; Joshua J Taylor, [*75] Justin S. Hepworth, Kelly A. Evans, Shook, Hardy and Bacon L.L.P., Kansas City, MO; Poston Edward Pritchett, Shook Hardy and Bacon, Kansas City, MO.

For Monsanto Company, Defendant (3:16-md-02741-VC): David F Northrip, Shook Hardy Bacon LLP, Kansas City, MO.

For Monsanto Company, Defendant (3:16-md-02741-VC): Jennifer B Kenyon, Shook Hardy Bacon LLP, Kansas City, MO; John Lawrence Ackley.

For Monsanto Company, Defendant (3:16-md-02741-VC): John Lawrence Ackley; Melissa Nott Davis, Shook, Hardy and Bacon LLP, Boston, MA.

For Monsanto Company, Defendant (3:16-md-02741-VC): Brandon Arber, Shook, Hardy and Bacon LLP, Boston, MA.

For Monsanto Company, Defendant (3:16-md-02741-VC): Jennise Walker-Stubbs, Halron W. Turner, Halron W. Turner, LEAD ATTORNEYS; John Lawrence Ackley.

For Sheffield Light & Power, Sheffield Utilities, Defendants (3:16-md-02741-VC): R Keith Worsham, LEAD ATTORNEY, Steve A Baccus, Almon McAlister Baccus & Worsham LLC, Tuscombiam, AL.

For RK HOLDINGS, LLP, Defendant (3:16-md-02741-

VC): Jessica Laurin Meek, LEAD ATTORNEY, Margaret M. Christensen, DENTONS BINGHAM GREENEBAUM LLP (Indianapolis), Indianapolis, IN.

For Akzo Nobel Chemicals LLC, Defendant (3:16-md-02741-VC): Peter [*76] Francis O'Neill, Riley C. Mendoza, Peter Francis O'Neill, Riley C. Mendoza.

For Akzo Nobel Incorporated, Defendant (3:16-md-02741-VC): Jennise Walker-Stubbs, LEAD ATTORNEY; Peter Francis O'Neill, Riley C. Mendoza, Peter Francis O'Neill, Riley C. Mendoza.

For Nouryan Chemicals LLC, Defendant (3:16-md-02741-VC): Jennise Walker-Stubbs, Jennise Walker-Stubbs, Jennise Walker-Stubbs, LEAD ATTORNEYS; Peter Francis O'Neill, Riley C. Mendoza.

For Nouryan Functional Chemicals LLC, Defendant (3:16-md-02741-VC): Peter Francis O'Neill, Riley C. Mendoza.

For Nouryan Surface Chemicals, Defendant (3:16-md-02741-VC): Jennise Walker-Stubbs, Shook Hardy & Bacon L.L.P., Houston, TX; Peter Francis O'Neill, Shook, Hardy & Bacon Llp, Chicago, IL; Riley C. Mendoza, Shook, Hardy & Bacon LLP, Chicago, IL.

For United States of America, Respondent (3:16-md-02741-VC): Raven Marie Norris, LEAD ATTORNEY, US Attorneys Office, Civil Division, San Francisco, ca; Aimee H. Wagstaff.

For Michael J. Miller, Respondent (3:16-md-02741-VC): Michael Joseph Miller, LEAD ATTORNEY.

For Texas A&M University, Movant (3:16-md-02741-VC): Kimberly Fuchs, LEAD ATTORNEY, Texas Office of the Attorney General, Administrative Law Division, Austin, [*77] TX.

For Patricia Beldsoe, Movant (3:16-md-02741-VC): Kimberly Fuchs, LEAD ATTORNEY, Texas Office of the Attorney General, Administrative Law Division, Austin, TX; Michael Joseph Miller, Robin Lynn Greenwald.

For Tracie Ward, Movant (3:16-md-02741-VC): David Brian Fernandes, Kenneth Thomas Lumb, LEAD ATTORNEYS.

For Jeffrey Croson, Larry Crees, Movants (3:16-md-02741-VC): Arati Chauhan Furness, LEAD ATTORNEY, Fears Nachawati PLLC, Dallas, TX.

For Ann Hardin, Movant (3:16-md-02741-VC): Arati Chauhan Furness, Fears Nachawati PLLC, Dallas, TX.

For Christine Taylor-Butler, Movant (3:16-md-02741-VC): Patrick Joseph Stueve, Stueve Siegel Hanson LLP, Kansas City, MO; Todd Eugene Hilton, Stueve

Siegel Hanson, Kansas City, MO.

For John J. Driscoll, Interested Party (3:16-md-02741-VC): John J. Driscoll, Behram Viraf Parekh.

For Mark Rogers, Interested Party (3:16-md-02741-VC): Behram Viraf Parekh, Behram Viraf Parekh, LEAD ATTORNEYS.

For Legalist, Inc., Interested Party (3:16-md-02741-VC): Curtis Edward Smolar, Legalist, Inc., Las Vegas, NV.

For Office of the Attorney General for the State of California, Interested Party (3:16-md-02741-VC): Dennis Abel Ragen, Dept Of Justice, San Diego, CA.

For Carey Danis [*78] & Lowe, Heninger Garrison Davis, LLC, Lanier Law Firm, P.C., Taufest Bond, PLLC, Watts Guerra LLP, Objectors (3:16-md-02741-VC): Jeffrey Alan Lamken, LEAD ATTORNEY, Molo Lamken LLP, Washington, DC; Eric R Nitz, Washington, DC; Leonid Grinberg, MoloLamken LLP, New York, NY.

For Pendley, Baudin & Coffin, LLP, Objector (3:16-md-02741-VC): Christopher Luke Coffin, Christopher Luke Coffin, David Brian Fernandes.

For Bryce Hensley, Objector (3:16-md-02741-VC): Bryce Thomas Hensley, LEAD ATTORNEY, Romanucci and Blandin, LLC, Chicago, IL.

For Arnold & Itkin LLP, Kline & Specter, P.C., Objectors (3:16-md-02741-VC): David Freeman Engstrom, LEAD ATTORNEY, Stanford, CA; Russell Post, Beck Redden LLP, Houston, TX.

For Noel Alvarez, Objector (3:16-md-02741-VC): Arati Chauhan Furness, Arati Chauhan Furness, Arati Chauhan Furness, Arati Chauhan Furness; Eric Asher Policastro, Fears Nachawati, PLLC, Dallas, TX.

For William Lawrence Craven, Howard Gee, Jr., Arleen Ward, Objectors (3:16-md-02741-VC): Eric Asher Policastro, Fears Nachawati, PLLC, Dallas, TX.

For Adam Williams, Objector (3:16-md-02741-VC): Behram Viraf Parekh, LEAD ATTORNEY, Dalimonte Rueb Stoller LLP, Los Angeles, CA.

For Sabrina Jo Benham, [*79] Objector (3:16-md-02741-VC): Thomas Che Goldstein, Thomas Che Goldstein, Thomas Che Goldstein, Thomas Che Goldstein, Thomas Che Goldstein, Thomas Che Goldstein, Thomas Che Goldstein, Thomas Che Goldstein.

For Melinda Sloviter, Objector (3:16-md-02741-VC): Gerson Harry Smoger, Smoger & Associates, P.C., Oakland, CA.

For Public Citizen, Public Citizen Foundation, Amicuss (3:16-md-02741-VC): Rebecca Harriet Smullin, Public Citizen Litigation Group, NW Washington, DC.

For American Association for Justice, Amicus (3:16-md-02741-VC): Robert S. Peck, LEAD ATTORNEY, Center for Constitutional Litigation, P.C., Washington, DC.

For Public Justice, Amicus (3:16-md-02741-VC): Leslie Agnes Brueckner, Ms., Public Justice, Oakland, CA.

For Amici Curiae Law Firms and Lawyers, Amicus (3:16-md-02741-VC): Arthur H. Bryant, LEAD ATTORNEY, Bailey Glasser LLP, Oakland, CA; Benjamin L. Bailey, LEAD ATTORNEY, BAILEY AND GLASSER, LLP, Charleston, WV.

For Lisa Blue, Amicus (3:16-md-02741-VC): Ted William Pelletier, LEAD ATTORNEY, Law Office of Ted W. Pelletier, San Anselmo, CA.

For Gregory Bush, Putative Class Member, Miscellaneous (3:16-md-02741-VC): Ted William Pelletier, LEAD ATTORNEY, Law Office of Ted W. Pelletier, [*80] Law Office of Ted W. Pelletier, San Anselmo, San Anselmo, CA.

For Steven Gustafson, Miscellaneoust (3:16-md-02741-VC): Bryce Thomas Hensley, David J. Diamond, Rhon E Jones, William R Sutton, LEAD ATTORNEYS, Beasley, Allen, Crow, Methvin, Portis and Miles, PC, Montgomery, AL.

For David J Diamond, Miscellaneoust (3:16-md-02741-VC): David J Diamond, LEAD ATTORNEY, Goldberg and Osborne - Tucson, Tucson, AZ

For Beasley Allen, et al, Miscellaneous (3:16-md-02741-VC): Rhon E Jones, LEAD ATTORNEY, Beasley, Allen, Crow, Methvin, Portis and Miles, PC, Montgomery, AL; William R Sutton, Beasley, Allen, Crow, Methvin, Portis and Miles, PC, Montgomery, AL.

For Beasley Allen, et al, Miscellaneous (3:16-md-02741-VC): William R Sutton, LEAD ATTORNEY, Beasley, Allen, Crow, Methvin, Portis and Miles, PC, Montgomery, AL; Rhon E Jones, Beasley, Allen, Crow, Methvin, Portis and Miles, PC, Montgomery, AL.

Judges: VINCE CHHABRIA, United States District Judge.

Opinion by: VINCE CHHABRIA

Opinion

ORDER ON CLASS COUNSEL'S MOTION FOR ATTORNEY'S FEES, COSTS, AND INCENTIVE AWARDS

Re: Dkt. No. 122

In this class action, the plaintiffs claim they paid more for Roundup products than they would have been willing to spend if they'd been warned that the product [*81] may cause NHL. The Court preliminarily approved a settlement agreement, and then class members submitted claims that would, under the formula set forth in the agreement, result in a class payout of \$12.4 million to \$14.2 million. Class counsel now seeks \$11.25 million in attorneys' fees, \$210,888.10 in litigation expenses, and \$5,000 as incentive awards for each class representative, along with settlement notice and administration costs.

I

Class counsel asserts that a fee award of \$11.25 million reflects the "25 percent benchmark"—that is, 25 percent of the total settlement amount, which is presumptively reasonable in the Ninth Circuit. Their explanation for why \$11.25 million reflects the 25 percent benchmark is as follows:

- The agreement sets a floor and a ceiling for the total amount (in claims, fees, costs, and incentive awards) that Monsanto could pay to settle the case. The floor amount is \$23 million, and the ceiling amount is \$45 million.
- The agreement provides that if the total amount of claims, costs, reasonable attorneys' fees, and incentive awards is less than \$23 million, the extra money (to get up to the \$23 million floor) goes to the class members—an increase in what [*82] each class member will receive beyond original formula contemplated in the settlement agreement.
- Even though the total amount Monsanto pays will not come close to \$45 million (because the class members claimed only \$12.4 million to \$14.2 million under the agreement's formula), the 25 percent benchmark should be pegged to the \$45 million ceiling amount, because \$45 million was theoretically available for the settlement.
- Therefore, the 25 percent benchmark—that is, the fee award that would be presumptively reasonable—is \$11.25 million.

Except perhaps in the most unusual of circumstances, this is not how to calculate the 25 percent benchmark. In a typical **class action settlement**, the defendant agrees to pay a specified amount into fund that is non-reversionary, meaning that the defendant has no chance of getting any of that money back. The money is divided between payments to the plaintiff class and payments to the attorneys for fees and costs. And if the number of claims from class members is lower than expected, typically each class member will receive a larger amount than expected. In these circumstances, it's fair to assume that the total **settlement** amount is a real number—a number [*83] from which the 25 percent benchmark for presumptively reasonable fees can be pegged. But when the defendant has a chance of retaining or getting back a significant portion of the **settlement** amount, that's not a real number, and it makes no sense to peg the 25 percent benchmark to it.

The better way to identify the 25 percent benchmark for a **settlement** like this is as follows:

- The **settlement** agreement calls for Monsanto to pay no less than \$23 million.
- The claims period has passed, and it's clear that the only way the **settlement** amount could exceed \$23 million is to award fees to class counsel that would vastly exceed 25 percent of what Monsanto pays in total.
- Therefore, total **settlement** amount for purposes of measuring the 25 percent benchmark is \$23 million.
- Which means that the presumptively reasonable fee amount here is best understood as \$5.75 million.

This is not to say, of course, that class counsel is necessarily limited to recovering \$5.75 million in fees. In some **class action settlements**, a fee award greater than the 25 percent benchmark is perfectly appropriate. But it's important first to identify the correct benchmark, so as to avoid artificially inflating (or deflating) [*84] the presumptively reasonable level of fees. By pegging the benchmark to the \$45 million ceiling amount, class counsel has artificially inflated the presumptively reasonable level of fees.

In support of the idea that the 25 percent benchmark should be pegged to the ceiling amount, class counsel relies primarily on [Williams v. MGM-Pathé Communications Co.](#), 129 F.3d 1026 (9th Cir. 1997). It's true that some language in [Williams](#) could be read to

suggest that district courts abuse their discretion whenever they decline to award fees pegged to a "**settlement** amount" agreed to by the parties, even if a massive portion of the "**settlement** amount" would revert to the defendant after going unclaimed. It's difficult to determine whether the opinion in [Williams](#) actually stood for this proposition, because its description of the facts was so bare and its analysis was so sparse compared to the typical published appellate opinion. But if [Williams](#) actually stood for that proposition, it cannot possibly be good law anymore in light of the amendments to Rule 23 and subsequent developments in the case law. See, e.g., [Kim v. Allison](#), 8 F.4th 1170, 1181 (9th Cir. 2021) (explaining that ignoring the actual claims may be "a mechanical or formulaic approach that results in an unreasonable reward" and "shirk[s]" the district court's "independent duty to assess [*85] the value of the **settlement**"); see also [Stanikzy v. Progressive Direct Ins. Co.](#), 2022 U.S. Dist. LEXIS 98999, 2022 WL 1801671, at *5 (W.D. Wash. June 2, 2022) (explaining that if [Williams](#) retains any relevance, it can only be to the apparently-unique facts of that case); [Lowery v. Rhapsody Int'l Inc.](#), 2021 U.S. Dist. LEXIS 255200, 2021 WL 7448610, at *8 (N.D. Cal. Sept. 20, 2021). In any event, [Williams](#) was not about how to properly identify the 25 percent benchmark for a presumptively reasonable fee award; it was about whether the district court's actual fee reduction was proper.

Turning to the question of what the actual fee award should be in this case, there is no reasonable argument for an award higher than the properly-measured benchmark of \$5.75 million. As discussed in the accompanying order approving the **class action settlement**, the claims asserted in this case are somewhat dubious, and subject to attack on many levels. Although counsel ended up achieving a good **settlement** for class members given the weakness of the claims asserted, the benefits those class members receive from the resolution of these weak claims are, in the grand scheme of things, insubstantial. A very small portion of the class will receive a relatively small amount of money. Nor has Monsanto been caused by this case to put a warning on Roundup labels or to change its behavior in any other way.

And class counsel was not required to do much work [*86] in this case to achieve this relatively meager benefit for the class members. There has been no heavy litigation in this case—it basically went straight to **settlement**. Class counsel notes that it filed other, similar cases around the country, and that this

settlement resolves those cases. The idea of compensating class counsel for copycat cases filed around the country seems dubious. But even assuming it could be appropriate in some circumstances, it would not be appropriate here. It's not as if the other lawsuits meaningfully advanced the ball. Indeed, four federal district courts have dismissed class counsel's cases on the merits. See *Ezcurra v. Monsanto Co.*, 2020 U.S. Dist. LEXIS 167830, 2020 WL 5491428, at *6 (S.D. Fla. Aug. 7, 2020) (holding no actionable claim under the Florida Deceptive and Unfair Trade Practices Act); *Weeks v. Home Depot U.S.A., Inc.*, 2020 WL 13220040, at *4 (C.D. Cal. Dec. 16, 2020) (holding the plaintiff failed to state a UCL claim); *Hanna v. Walmart Inc.*, 2020 U.S. Dist. LEXIS 237505, 2020 WL 7345680, at *8 (C.D. Cal. Nov. 4, 2020) (same); *Taylor v. Costco Wholesale Corp.*, 2020 U.S. Dist. LEXIS 187348, 2020 WL 5982090, at *4 (E.D. Cal. Oct. 8, 2020) (same). This **class action** was filed on August 19, 2020—after *Ezcurra* was dismissed. And Monsanto wasn't even a defendant in the dismissed California cases.

In terms of a lodestar cross-check, class counsel asserts a lodestar of \$7.95 million. But many of the hours were spent on the losing cases identified above. See Wade Decl. at 6-9 (dkt. 122-1). Thus, the lodestar offered by class counsel is as artificial [*87] as their proposed 25 percent benchmark. If the lodestar were based only on the work performed in this case, it would be roughly \$2.4 million. The \$5.75 million that class counsel will receive, based on the percentage-of-the-fund method, is plenty, and any larger amount would be unreasonable.¹

II

Class counsel also requests \$210,888.10 in costs. Most of these expenses were incurred in cases that were dismissed on the merits, and class counsel provides no justification why those expenses should be reimbursed. In a few sentences, class counsel simply notes that courts generally allow for recovery of litigation expenses and summarily says all the expenses were "necessary and reasonably incurred." Dkt. No. 122 at 31. These conclusory statements don't mean much, and the Court cannot tell whether the economic expert's and consultant's work from *Ezcurra* and *Weeks* are

¹ Even if class counsel were somehow correct that the 25 percent benchmark is \$11.25 million, this Court would not award more than \$5.75 million in fees for the reasons stated in this ruling.

duplicative of their work in *Gilmore*. See Dkt. No. 122-1 at 13. And there's no explanation, either in the motion or counsel's declaration, of what the marketing consultant actually did: counsel just lumped the marketing consultant's fees with the economic expert's even though they're very different for purpose of prosecuting a case. So even [*88] if the costs incurred in the dismissed actions benefited the class, counsel has not established that those expenses were truly necessary and reasonable here. Deducting the costs from *Ezcurra*, *Weeks*, *Hanna* and *Taylor*, class counsel is reimbursed \$69,592.05.

III

The class representatives each are awarded \$2,000 rather than the requested \$5,000. As discussed, the claims are insubstantial. The class representatives were not deposed or otherwise made to do any heavy lifting during the litigation process. This is not the type of case (in contrast to, say, a wage and hour case) where the decision to become a plaintiff itself creates collateral career risks. And there are eight named plaintiffs, not just one or two. Under these circumstances, incentive payments exceeding \$16,000 in total (\$2,000 for each of the eight plaintiffs) would not be warranted.²

IV

Accordingly, class counsel is awarded \$5.75 million as attorney's fees. Counsel shall be immediately paid 80 percent of this amount. After filing the Post-Distribution Accounting, counsel must submit a proposed order releasing the remaining 20 percent of the fee award. Class counsel is also awarded \$69,592.05 for litigation expenses, \$446,449 [*89] for notice costs, and \$380,513 for claims administration. The class representatives each are awarded \$2,000, for a sum of \$16,000.

² Although Plaintiff *Ezcurra* claims to have spent roughly 32 hours preparing for a deposition in the Florida federal case, that deposition never occurred because her case was dismissed even before *Gilmore* was filed. See *Ezcurra* Decl. ¶ 6 (Dkt. No. 122-11). Plaintiff *Weeks* claims to have spent 22 hours, including answering discovery requests, but again, his case against Home Depot was dismissed on the merits. See *Weeks* Decl. ¶ 7 (Dkt. No. 122-10). All other class representatives spent roughly 10 hours for this and related cases.

The remainder of the \$23 million fund will go to the class members.

IT IS SO ORDERED.

Dated: March 31, 2023

/s/ Vince Chhabria

VINCE CHHABRIA

United States District Judge

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