

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

In re: PARAQUAT PRODUCTS
LIABILITY LITIGATION

Case No. 3:21-md-3004-NJR

MDL No. 3004

This Document Relates to All Cases.

**ORDER SELECTING PLAINTIFFS
FOR CASE-SPECIFIC DISCOVERY**

ROSENSTENGEL, Chief Judge:

In its April 17, 2024 Order dismissing this MDL's first set of trial selection cases, the Court expressed its intention to "expeditiously identify a new set of trial cases and set a tight schedule for limited discovery and trial." (Doc. 5238). To that end, the Court ordered the parties to identify 16 new cases for case-specific discovery. The parties submitted their case selections and corresponding Plaintiff's Assessment Questionnaires to the Court via email. After reviewing the parties' submissions, the Court has chosen the following ten cases for case-specific discovery:

- *Susan Benavidez v. Syngenta Crop Protection, LLC, et al.*, Case No. 3:24-pq-00218-NJR
- *Thomas Holmes v. Syngenta Crop Protection, LLC, et al.*, Case No. 3:22-pq-00487-NJR
- *Michael Peek v. Syngenta Crop Protection, LLC, et al.*, Case No. 3:23-pq-02625-NJR
- *Donald Tucker v. Syngenta Crop Protection, LLC, et al.*, Case No. 3:22-pq-02512-NJR
- *John Brentlinger v. Syngenta Crop Protection, LLC, et al.*, Case No. 3:23-pq-03455-NJR
- *Paul Scibilia v. Syngenta Crop Protection, LLC, et al.*, Case No. 3:22-pq-01347-NJR
- *Marshall Bork v. Syngenta Crop Protection, LLC, et al.*, Case No. 3:22-pq-00596-NJR

- *David Hague v. Syngenta Crop Protection, LLC, et al.*, Case No. 3:24-pq-00623-NJR
- *Russel Okerlund v. Syngenta Crop Protection, LLC, et al.*, Case No. 3:22-pq-00247-NJR
- *Douglas Malish v. Syngenta Crop Protection, LLC, et al.*, Case No. 3:21-pq-01676-NJR

If any of the above-referenced Plaintiffs wish to voluntarily dismiss their case without prejudice, they shall do so on or before **August 20, 2024**. The voluntary dismissal of a case selected in this Order *after* August 20, 2024, will be construed as a dismissal with prejudice unless the Plaintiff demonstrates extraordinary circumstances for failing to dismiss the case by the August 20, 2024 deadline. Any cases that are dismissed will be replaced by new cases, which the Court will select.

For any case selected for case-specific discovery (whether in this Order or in a subsequent order replacing a dismissed case) and not voluntarily dismissed within two weeks of its selection (hereinafter “Selected Case”), the following deadlines shall apply:¹

- Plaintiff shall provide Defendants with a completed Plaintiff Fact Sheet² as adopted by Case Management Order No. 7 (Doc. 328), any necessary third-party production authorizations, and any responses to a subpoena his or her attorney served pursuant to Case Management Order No. 21 (Doc. 5158) by **September 3, 2024**.³

¹ Any cases selected to replace a dismissed case will be subject to the same two-week dismissal window, after which, a voluntary dismissal will be with prejudice absent extraordinary circumstances. Similarly, any replacement cases will be subject to the discovery schedule of this Order. Discovery due dates will, however, be adjusted based on the date on which a new case is identified as a Selected Case.

² Any deficiencies within the Plaintiff Fact Sheets must be raised with the Special Master before filing a motion with the Court.

³ If Plaintiff received no documents in response to a CMO No. 21 subpoena, they shall inform Defendants in writing.

- Defendants shall serve any additional third-party subpoenas and written discovery requests by **September 24, 2024**.
- Depositions in each Selected Case shall take place by **November 25, 2024**. In each Selected Case, Defendants may depose (i) each Plaintiff; (ii) no more than two exposure and/or damages witnesses; and (iii) one treating healthcare provider. Further depositions may be taken by agreement of the parties or for good cause shown.
- The parties shall submit a one-page case summary to the Court for each Selected Case on or before **December 16, 2024**. The summaries shall be sent to the Court via email at ParaquatMDL@ilsd.uscourts.gov and to the Special Master at randi@randiellis.com. Plaintiffs and Defendants shall also separately submit a document listing the Selected Cases in their order of preference via email. The Court will then issue a separate Order identifying a subset of the Selected Cases for full work-up.

IT IS SO ORDERED.

DATED: August 6, 2024

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style. To the right of the signature, there is a circular seal of the United States District Court for the District of New Jersey, featuring an eagle and the text "U.S. DISTRICT COURT DISTRICT OF NEW JERSEY".

NANCY J. ROSENSTENGEL
Chief U.S. District Judge