

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 FURTHER CASE-SPECIFIC DISCOVERY**

ROSENSTENGEL, Chief Judge:

On April 17, 2024, the undersigned dismissed this MDL's first set of trial selection cases and 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 cases for case-specific discovery. The parties submitted their case selections and corresponding Plaintiff's Assessment Questionnaires to the Court via email. After reviewing these submissions, the Court chose 10 cases for limited case-specific discovery.¹ (Doc. 5341). The parties diligently conducted limited case-specific discovery and identified the following six cases as being ripe for full case-specific discovery:

- *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
- *Paul Scibilia v. Syngenta Crop Protection, LLC, et al.*, Case No. 3:22-pq-01347-NJR

¹ Two of these cases were voluntarily dismissed and replaced by new cases that the Court identified on October 31, 2024. (Doc. 5463).

- *Marshall Bork v. Syngenta Crop Protection, LLC, et al.*, Case No. 3:22-pq-00596-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

On December 19, 2024, the Court held a status conference to discuss next steps in the trial case selection process. (Doc. 5508). Defendants proposed a full work-up of all six cases mentioned above. Plaintiffs proposed a staggered workup of four cases, with two being set for trial in the fall of 2025 and two trials to take place February or March 2026.

Having considered the parties' proposals, the Court **ORDERS** all six cases mentioned above to undergo full case-specific discovery. This workup will proceed in two phases.

The following cases are selected for Phase 1 and shall undergo full case-specific discovery with the first trial to begin on **October 14, 2025**:

- *Donald Tucker v. Syngenta Crop Protection, LLC, et al.*, Case No. 3:22-pq-02512-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

The remaining cases are selected for Phase 2 and shall undergo full case-specific discovery with the first trial to begin on **April 6, 2026**:

- *Michael Peek v. Syngenta Crop Protection, LLC, et al.*, Case No. 3:23-pq-02625-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

The following deadlines will govern the Phase 1 and Phase 2 cases:

Event	Phase 1 Deadline	Phase 2 Deadline
Parties to disclose additional fact witnesses in cases selected for full work-up	February 21, 2025	August 1, 2025
Completion of Fact Discovery and Medical Examinations	March 21, 2025	September 1, 2025
Plaintiffs' general and specific expert disclosures	April 4, 2025	September 15, 2025
Defendants to complete depositions of Plaintiffs' experts	May 9, 2025	October 31, 2025
Defendants' expert disclosures	May 16, 2025	November 7, 2025
Plaintiffs to complete depositions of Defendants' experts	June 20, 2025	December 12, 2025
Plaintiffs' rebuttal expert disclosures	June 27, 2025	December 19, 2025
Defendants to complete deposition of Plaintiffs' rebuttal experts	July 11, 2025	January 9, 2026
Summary Judgment and <i>Daubert</i> Briefing Due	August 15, 2025	February 13, 2026

The Court will set a hearing date for oral argument on summary judgment and *Daubert* motions by separate order.

IT IS SO ORDERED.

DATED: January 23, 2025



NANCY J. ROSENSTENGEL
Chief U.S. District Judge