

Michelle Donarski, Fargo attorney representing corn growers in the Syngenta litigation, reports the following update on the Multi-District Syngenta Litigation:

Sept 22, 2015: Multi-District Litigation (“MDL”) Federal U.S. District Judge John W. Lungstrum rejected Syngenta’s two primary legal defenses and **denied** Syngenta’s motion to dismiss Plaintiff corn grower claims in substantial part. Syngenta argued for the entire case to be dismissed.

March 21, 2016: MDL Judge John W. Lungstrum appointed a special master to lead settlement discussions in the MDL cases and ordered the parties to meet face-to-face and engage in serious and meaningful negotiations. Settlement meetings are ongoing.

April 5, 2016: MDL Judge John W. Lungstrum rejected Syngenta’s third-party claims against Cargill Inc., Archer Daniels Midland Co. and Rail Transfer Inc.’s that they negligently handled the corn and shipped it to China, saying they are preempted by federal law. He rejected Syngenta’s argument that its claims could survive because it alleged that the distributors breached a duty of reasonable care by selling and shipping corn known to contain genetically modified variant Viptera seed to China, according to the opinion.

June 15, 2016: Plaintiffs for the MDL against Syngenta ask Kansas federal judge to certify a nationwide class of corn producers.

September 9, 2016: Plaintiff’s expert reports due with regard to both liability and damages.

November 4, 2016: Syngenta’s expert reports due.

December 1, 2016: Pretrial conferences for the bellwether trial pool of cases.

June 2017: First bellwether trial will commence.

Many corn growers ask the difference between the Multi-District Litigation (“MDL”) and an individual suit. The advantage of participating in the MDL is that the corn grower participates in the litigation without the requirement of being a named Plaintiff on the Complaint. Filing an individual action requires the corn grower to be a named Plaintiff and exposes the farmers to the very real potential of intensive discovery, deposition testimony, production of personal and farming financial records, and attendance and testimony at trial. Whereas, the MDL has corn growers from each state who have agreed to take this lead role for other participating corn growers. Please feel free to contact us with any questions.