IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE ex rel. NON-PARTY HUGH GRANT,	)	**Case No. _____**
Relator,	)	**Circuit Court of Jackson County, Missouri at Kansas City**
vs.	)	**Cause No. 1816-CV17026**
THE HONORABLE CHARLES H. MCKENZIE,	)	**Division No. 13**
Respondent.	)	

RELATOR NON-PARTY HUGH GRANT'S SUGGESTIONS IN SUPPORT OF HIS PETITION FOR PRELIMINARY ORDER IN AND PERMANENT WRIT OF PROHIBITION

This petition arises from ongoing product liability litigation alleging that Defendant Monsanto's Roundup® product causes Non-Hodgkin's Lymphoma. Relator Hugh Grant retired as the CEO of Monsanto in June 2018[1]. While CEO of Monsanto, Mr. Grant had limited involvement with the subjects at issue in this litigation and developed no unique knowledge as to them. Mr. Grant's knowledge was exhaustively explored during a five-hour videotaped deposition noticed by a group of plaintiffs' counsel that includes the former firm of Plaintiff's counsel, David Wool. Despite these facts, on March 31, 2022, Respondent ordered Mr. Grant to appear and give testimony in the May 2, 2022 trial of the claims of Plaintiff Allan Shelton.

This ruling was in excess of Respondent's authority and an abuse of discretion.

[1] Monsanto became an indirect subsidiary of Bayer AG in June 2018.

First, in response to a subpoena issued in the Roundup® MDL litigation—litigation that presents issues identical to those presented by this case—Mr. Grant appeared voluntarily for a five-hour videotaped deposition during which his knowledge of the subjects at issue were comprehensively examined. Thus, to the extent Mr. Grant had any relevant testimony, that testimony is preserved and available for Plaintiff's use in this case. Notably, Roundup plaintiffs have played portions of Mr. Grant's deposition in a prior trial.

Second, although Mr. Grant is retired, the Missouri Supreme Court's holding in *Messina* remains applicable where, as here: (1) the information sought in the testimony could be obtained through less intrusive means, (2) plaintiff's need for the testimony is slight, and (3) there will be significant burden, expense, annoyance, and oppression to Mr. Grant if he is compelled to appear for trial. *State ex rel. Ford Motor Co. v. Messina*, 71 S.W.3d at 607-08 (Mo. banc 2002).

Third, setting the precedent that Mr. Grant must appear and testify at Roundup® trials would be beyond burdensome and oppressive, because requiring Mr. Grant's presence and testimony at this trial could open the floodgates to similar trial subpoenas in dozens of cases.

A writ should issue because an appeal is not an adequate remedy. A writ of prohibition is a proper remedy to "prevent a court from enforcing obedience to or ordering compliance with an improper subpoena." *State ex rel. Ellis v. Schroeder*, 663 S.W.2d 766, 770 (Mo. App. 1983). Prohibition is also the proper remedy for an abuse of discretion in connection with an order compelling the testimony of a top-level executive. *Messina*, 71 S.W.3d at 607 (citation omitted).

For all these reasons, the Court should issue a writ of prohibition barring Respondent from doing anything other than granting Relator's motion for a protective order in full.[2]

ARGUMENT

A writ of prohibition is available "(1) to prevent a usurpation of judicial power when the trial court lacks authority or jurisdiction; (2) to remedy an excess of authority, jurisdiction or abuse of discretion where the lower court lacks the power to act as intended; or (3) where a party may suffer irreparable harm if relief is not granted." *State ex rel. KCP & L Greater Mo. Operations Co. v. Cook*, 353 S.W.3d 14, 17 n.3 (Mo. App. 2011) (citation omitted); *see also State ex rel. Kinder v. McShane*, 87 S.W.3d 256, 260 (Mo. banc 2002) (holding that writ of prohibition should issue to prevent "an abuse of judicial discretion, to avoid irreparable harm to a party, or to prevent an abuse of extra-jurisdictional power") (citation omitted).

[2] Plaintiff notes that a St. Louis County court previously denied Mr. Grant's motion for a protective order regarding giving trial testimony *Adams v. Monsanto*, 17SL-CC02721 (Dec. 20, 2019). Ex. C at 1-2. In that matter, Mr. Grant filed a Writ of Prohibition with the Missouri Court of Appeals. *State ex rel. Grant v. May*, ED108556. The Court of Appeals ordered Respondent to file Suggestions in Opposition. However, the *Adams* case was removed from the trial docket and the writ was withdrawn before the issue was fully briefed and ruled on.

Additionally, a writ is appropriate where "there is no adequate remedy by appeal for the party seeking the writ, and the 'aggrieved party may suffer considerable hardship and expense as a consequence of the erroneous decision [of the lower court].'" *Mo. State Bd. of Registration for Healing Arts v. Brown*, 121 S.W.3d 234, 236 (Mo. banc 2003) (alteration in original) (quoting *State ex rel. Chassaing v. Mummert*, 887 S.W.2d 573, 577 (Mo. banc 1994)); *see also Cook*, 353 S.W.3d at 17 n.3 ("[p]rohibition may be appropriate to prevent unnecessary, inconvenient, and expensive litigation") (citation omitted).

A writ of prohibition is a proper remedy to "prevent a court from enforcing obedience to or ordering compliance with an improper subpoena." *State ex rel. Ellis v. Schroeder*, 663 S.W.2d 766, 770 (Mo. App. 1983). Prohibition is also the proper remedy for an abuse of discretion in connection with an order compelling the testimony of a top-level executive. *Messina*, 71 S.W.3d at 607 (citation omitted). "The trial court abuses discretion if its order is clearly against the logic of the circumstances, is arbitrary and unreasonable, and indicates a lack of careful consideration." *Id.*

As detailed below, a writ should issue under these principles.

I. Respondent Exceeded His Authority and Abused His Discretion By Concluding that Monsanto's Former CEO, Who Was Previously Deposed On the Issues in this Litigation and Has No Unique Personal Knowledge About this Case, Must Testify at Trial.

On February 4, 2019—eight months *after* his retirement from Monsanto—Mr. Grant appeared for a five-hour videotaped deposition, during which his knowledge of regarding the Roundup® litigation was comprehensively examined. Ex. H. His deposition

was taken by two, experienced first-chair trial lawyers who have represented plaintiffs at trial in other Roundup® cases. Mr. Grant's videotaped deposition testimony was not a discovery deposition; it was explicitly taken for the purpose of being played by video at the MDL trial, and it was. The issues and legal theories in the MDL trial are identical to those here. Also, Plaintiff's counsel in this matter—David Wool—was, until very recently, a partner at Andrus Wagstaff, PC, the firm that was appointed Co-Lead Counsel in the Roundup® MDL and had the opportunity to depose Mr. Grant. *In re: Roundup Prods. Liab. Litig.*, MDL No. 2741, Doc. 62 (Dec. 7, 2016) (Pretrial Order No. 4: Plaintiffs' Leadership Structure) (Ex. B, at 1, ¶ I).[3] Therefore, Mr. Grant's trial testimony is unnecessary and Plaintiff's trial subpoena is meant to burden and harass.

As Mr. Grant's MDL deposition makes clear, he had only general and high-level knowledge of the issues central to this litigation. Mr. Grant is not a toxicologist, an epidemiologist, or a regulatory expert, and Mr. Grant did not work in the areas of toxicology or epidemiology while employed by Monsanto. Ex. A, at 11 ¶ 4. In his opposition, Plaintiff points to eleven documents (out of more than 20 million pages of documents produced by Monsanto) that they assert show that Mr. Grant was an "active participant" and "decision-maker" in all things Roundup®. Ex. C at 4-7. But these eleven documents show the opposite: Mr. Grant was merely being kept informed and at most

[3] The Court of Appeals "may take judicial notice of the records of other cases when justice so requires." *Muhammad v. State* 579 SW3d 291, 293 n4 (Mo. App. WD 2019) (citing *Vogt v. Emmons,* 158 S.W.3d 243, 247 (Mo. App. E. D 2005).

offering high-level suggestions; others at Monsanto (many of whom have been deposed) were responsible for the actual oversight and decision-making related to Roundup®. Ex. D at 3-7.

Plaintiff's Exhibit 2 is a May 2000 email, sent to well over 30 recipients, regarding a publication on glyphosate, to which Mr. Grant "responded all" and asked to be kept "in the loop" about "PR info" related to the publication. Ex. C at 5; Ex. E at 1-2. The email demonstrates that there were individuals in the Monsanto organization who were more knowledgeable about this publication and related PR than Mr. Grant. In fact, some of those individuals—Dr. Heydens and Dr. Farmer—have provided comprehensive testimony regarding this publication and this specific email. Mr. Grant's response asks only that he be kept informed about what others were doing – the opposite of "unique personal knowledge."

Plaintiff's Exhibit 3 is an email from Mr. Grant to two high-level Monsanto employees regarding a Reuters article titled, Cancer cause or crop aid? Herbicide faces big test. Ex. C at 5; Ex. E at 3-9. Mr. Grant only asks a question: how can the industry respond to the headline.

Plaintiff's Exhibit 4 is an interview that Mr. Grant gave in 2016 during which he stated, "Roundup® is not a carcinogen." Ex. C at 5, 23-30. First, Mr. Grant provided testimony about this interview (and that specific line from it) at his MDL deposition. *See* Ex. H at Tr. 43:24-45:20. Second, Sam Murphey, Monsanto's corporate witness, was deposed in the MDL about Monsanto's public response to IARC and related media efforts. Third, this interview is over 20 minutes long and covers topics such as GMOs, sustainable

agriculture, and what needs to be done in our world to reduce use of water in agriculture, increase food security, and prevent climate change. Mr. Grant discusses pesticides with the interviewer for less than 3 minutes. The bulk of Mr. Grant's interview therefore is, at best, far afield from the core scientific issues in this case and, at worst, irrelevant. Finally, as noted above, Mr. Grant's testimony shows that he relied on a variety of others within Monsanto who had knowledge of this issue and his statements about it were not based on his own unique personal knowledge.

Plaintiff's Exhibit 5 is an email sent to Mr. Grant and 25 others regarding IARC's plan to classify glyphosate as a probable carcinogen. Ex. C at 5; Ex. E at 10-14. The sheer number of recipients on the email belies Plaintiff's claim that Mr. Grant has "unique personal knowledge," and Mr. Grant was examined about IARC's classification of glyphosate at length during his deposition. Ex. H at Tr. 52:20-53:19; 110:15-20; 112:10-114:8.

Plaintiff's Exhibit 6 is a 2015 Earnings Call Transcript during which Mr. Grant spoke about Roundup® and was critical about IARC's classification of glyphosate as a probable carcinogen. Ex. C at 5-6, 32-60. First, there is nothing unique about the statements Mr. Grant made during this, or any other earnings call. As is common practice for senior executives, Mr. Grant's remarks were synthesized from a variety of different sources within Monsanto who had knowledge of the subjects addressed in the call and were not based on his own unique personal knowledge. Second, during the MDL deposition, Mr. Grant was examined about IARC's classification of glyphosate – the same issue he addressed on this call. Ex. H at Tr. 52:20-53:19; 110:15-20; 112:10-114:8.

Plaintiff's Exhibit 7 is a different Monsanto employee's (Daniel Goldstein) personal employment objectives for some year, to be used during his year-end performance review. Ex. C at 6; Ex. E at 15-17. It mentions that his duties for that year were anticipated to include preparing materials for Mr. Grant in connection with a shareholder meeting. It does not disclose whether he in fact prepared them and if so what use – if any – Mr. Grant made of them. Mr. Goldstein was deposed and asked about this document in the MDL and that deposition is available for Plaintiff's use in this case. Moreover, Mr. Grant testified in his deposition about interactions at shareholder meetings. Ex. H at Tr. 146.

Plaintiff's Exhibit 8 is an email from Mr. Grant to three high-level Monsanto employees regarding IARC's classification of glyphosate. Ex. C at 6; Ex. E at 18-19. There is nothing unique about Mr. Grant's response that Monsanto needs to "take a hard line" on IARC's classification of glyphosate. Moreover, Mr. Grant was examined about IARC's classification of glyphosate at length during his deposition. Ex. H at Tr. 52:20-53:19; 110:15-20; 112:10-114:8.

Plaintiff's Exhibit 9 is an email sent to Mr. Grant and seven others regarding the Labeling Hearing at the Senate Committee on Agriculture, Nutrition, and Forestry. Contrary to the Plaintiff's description, the email makes no reference to efforts by Monsanto or Mr. Grant to discredit IARC. Ex. C at 6; Ex. E at 20-22. Rather, it states that "IARC's findings" regarding red meat and processed meat "may further underscore IARC's lack of credibility." Ex. E at 22. The number of recipients on the email belies Plaintiff's claim that Mr. Grant has "unique personal knowledge," and Mr. Grant was examined about

IARC's classification of glyphosate at length during his deposition. Ex. H at Tr. 52:20-53:19; 110:15-20; 112:10-114:8.

Plaintiff's Exhibit 10 is an email chain regarding Monsanto's response to the American Academy of Pediatrics' letter and donation return. Ex. C at 6; Ex. E at 23-24. First, it shows that someone else drafted a response for Mr. Grant, Mr. Grant reviewed it, offered no edits or comments, and okayed adding his signature to the letter. That is, again, the opposite of having "unique personal knowledge". Second, this email was included in Mr. Grant's reliance materials and MDL counsel examined Mr. Grant at length about the American Academy of Pediatrics' letter. Ex. H at Tr. 79:11-83:8. Third, three other individuals in the Monsanto organization—Ms. Farmer, Mr. Goldstein, and Mr. Murphy—also provided testimony about this letter.

Plaintiff's Exhibit 11 is an email from Michael Parrish to Jeremy Stump regarding the EPA and glyphosate. Ex. C at 6; Ex. E at 25-26. Mr. Grant is not on the document but nevertheless was examined about it at his deposition and provided substantive deposition testimony about his communications with the EPA. Ex. H at Tr. 56:15-61:2 and Ex. 6 to Deposition. Plaintiff fails to explain why this testimony is insufficient or what other information they think that Mr. Grant uniquely possesses on this point.[4]

[4] Plaintiff's Exhibit 12 is an article that includes a one sentence reference to a letter to Mr. Grant from Moms Across America. Ex. C at 6 n3. Exhibit 13 is a "Open Letter" to Monsanto and Mr. Grant that is found on the website of an online activist organization. Ex.

Plaintiff's Exhibit 14 is an email chain that includes Mr. Grant and almost 20 other Monsanto people that discusses the potential approval for the sale of glyphosate in Europe in 2016. Ex. C at 7; Ex. E at 27-36. Mr. Grant makes a suggestion regarding handling media inquiries and Sam Murphey explains to Mr. Grant that his suggestion is not in line with "the primary strategy" in such matters. The email thus shows Mr. Grant did not develop but instead had to be informed of the "primary strategy" that was being implemented regarding media inquiries – the opposite of having "unique personal knowledge" of it. Additionally, Messrs. Murphey, Heering, and Rands have already been deposed on this very topic and those depositions can be used in this litigation.

Neither Plaintiff, nor Respondent have articulated why, in light of the availability of Mr. Grant's MDL deposition and the fact that Mr. Grant has only a general and high-level knowledge of the issues that Plaintiff sees as central to this litigation, Plaintiff's need for Mr. Grant to appear at trial outweighs the annoyance, oppression, and undue burden and expense of compelling a nonparty to appear and give testimony at trial. Respondent exceeded the scope of that authority and abused his discretion in denying Mr. Grant's motion for a protective order, and a writ should issue.

C at 6 n3. Neither exhibit pertains to any unique personal knowledge that Mr. Grant has regarding this litigation.

II. Respondent Exceeded His Authority and Abused His Discretion Because Mr. Grant's Trial Testimony is Unwarranted Under *Messina*.

Although Mr. Grant is retired, the Missouri Supreme Court's holding in *Messina* remains applicable where, as here: (1) the information sought in the testimony deposition could be obtained through less intrusive means, (2) plaintiffs' need for the testimony is slight, and (3) there will be significant burden, expense, annoyance, and oppression to Mr. Grant if he is compelled to appear for trial. *State ex rel. Ford Motor Co. v. Messina*, 71 S.W.3d at 607-08 (Mo. banc 2002); *see also Wilkins v. Office of Mo. Att'y Gen.*, 464 S.W.3d 271, 276-77 (Mo. App. 2015) (applying *Messina* to trial subpoenas and affirming trial court's finding of good cause to quash trial subpoena directed at the state attorney general because there was no evidence that he had any first-hand "involvement in or knowledge of [the] employment decisions" at issue in the suit and lower-level state employees were more appropriate witnesses); *Rosen v. Smith Barney, Inc*., No. A-5268-02T2, 2004 WL 6400515, at *2-3 (N.J. Super. Ct. App. Div. Feb. 10, 2004) (reversing order compelling deposition of chairman of corporation who did not have "unique or superior personal knowledge of discoverable information" and whose testimony would be redundant of that provided by other witnesses).

First, as discussed above, the information Plaintiff seeks has already been obtained. Mr. Grant provided extensive and comprehensive testimony regarding this litigation in the

MDL and that deposition transcript and video can be used at trial.[5] Moreover, other people in the Monsanto organization are much more qualified and knowledgeable than he to testify on these topics. Mr. Grant's MDL deposition includes discussions about documents he had never seen or only saw while preparing for his deposition as well as questions about people and events about which he only had a high-level knowledge. Mr. Grant emphasized on numerous occasions during his deposition that there are other people who are much better suited to discuss the documents, people, and events that Plaintiff's counsel are interested in, and nothing has occurred since his MDL deposition that will change his responses to these questions. To the extent that Counsel has questions that the MDL leadership failed to ask at Mr. Grant's MDL deposition, those questions can be asked to the company witness(es) who are presented at trial. *Messina*, 71 S.W.3d. at 606-8 (Granting a protective order where "[p]ersons lower in the organization [] have the same or better information" than a top-level executive targeted for a deposition and where there would be "significant burden, expense, annoyance and oppression to" the executive in allowing the deposition of the top-level executive to proceed.).

Second, Plaintiff has no need for Mr. Grant's trial testimony. Mr. Grant's MDL deposition testimony is comprehensive and he has no knowledge of facts that are unique to Plaintiff Allan Shelton. Plaintiff argues that the MDL deposition is insufficient because the testimony was in a different Roundup® case, these litigants did not get a chance to

[5] All objections made during the MDL deposition are preserved and subject to final ruling by the Court.

examine him under oath, and the cases are subject to different set of laws. Plaintiff specifically argues that Mr. Grant must come to trial because Monsanto's corporate witness can't testify regarding (1) what Grant knew before he made statements to public, investors, regulators; (2) what Grant knew and said when meeting with EPA about Roundup®;[6] (3) Grant's responses to inquiries about safety of Roundup; (4) Grant's role as a decision maker and what those decisions were based on re continuing to say Roundup safe in face of concerns from scientific community. Ex. C at 8. What Plaintiff ignores, however, is that the issues and legal theories in this case and the MDL case are identical and Mr. Grant has already provided testimony on these subjects. While a corporate witness may not be able to speak to some of these topics, a number of fact witnesses have given testimony in all four categories. Moreover, Plaintiff's counsel, David Wool, was substantially involved in the MDL and was with the same firm as the MDL leadership at the time of Mr. Grant's MDL deposition. Ex. B, at 3, ¶ III.4 (MDL Order noting that MDL counsel should coordinate with state court actions). This matter had been pending for over six months when Mr. Grant was deposed in the MDL. Therefore, Plaintiff's need for live trial testimony is negligible at best.

Finally, as further explained below, setting the precedent that Mr. Grant must appear and testify at Roundup® trials would be beyond burdensome and oppressive. Thus, Mr. Grant's trial testimony is unwarranted under *Messina*.

[6] Plaintiff's Exhibit 11 demonstrates that at least two other Monsanto witnesses were present for that meeting. Ex. E at 25-26.

Plaintiff has argued that *Messina* does not apply to former CEOs. While there are no Missouri cases that apply an "Apex" type rule to former high-level executives, there are several courts that have done so: *Givens v. Newsom*, 2021 WL 65878, **7-8 (E.D. Cal. Jan. 7, 2021) (applying the apex doctrine to grant a protective order related to the depositions of two former officials and noting "the rationale of protecting highly visible public servants from becoming targets for unnecessary, or at worst harassing, discovery requests survives their departure from office"); *K.C.R. v. Cty. of L.A.*, 2014 WL 3434257, at *3 (C.D. Cal. July 11, 2014) ("Executives and high-ranking officials continue to be protected by the apex doctrine even after leaving office."); *Robertson v. McNeil-PPC Inc.,* 2014 WL 12576817, at *17 (C.D. Cal. Jan. 13, 2014) (finding that apex doctrine applies to retired executives in order to avoid "a tremendous potential for abuse and harassment"); *Moyle v. Liberty Mut. Retirement Benefit Plan*, 2012 WL 5373421, at *3 (S.D. Cal. Oct. 30, 2012) ("Former executives . . . are within the scope of the apex doctrine."); *Sargent v. City of Seattle*, 2013 WL 1898213, at *3 n.2 (W.D. Wash. May 7, 2013) (This application makes perfect sense because a "former high-ranking [executive], whose past official conduct may potentially implicate [him] in a significant number of related legal actions, ha[s] a legitimate interest in avoiding unnecessary entanglements in civil litigation."). Therefore, the policy rationale of *Messina* applies similarly to a former employee such as Mr. Grant.

III. Mr. Grant's Deposition Would Impose Significant Burden, Expense, Annoyance And Oppression To Mr. Grant.

A protective order should issue where necessary to "protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." Mo. Sup. Ct. R. 56.01(c). In short, there is no purpose—other than to annoy, embarrass, oppress, and subject Mr. Grant to undue burden and expense—for seeking Mr. Grant testimony at this trial. For this reason, too, Respondent exceeded his authority and abused his discretion in denying Mr. Grant's request for a protective order.

The only reason Plaintiff now seeks Mr. Grant's trial testimony—which will be substantively identical to his prior testimony—is to create an undue burden, expense, annoyance or oppression. The annoyance, oppression, and undue burden or expense results the minute Mr. Grant is forced to appear to give trial testimony when he has already been fully and adequately deposed on the issues in this case. That is especially true in light of his scant relevance to the issues at hand.

Moreover, the assessment of annoyance, oppression, and undue burden and expense is not done in a vacuum. Rather, "[a] protective order should issue if annoyance, oppression, and undue burden and expense ***outweigh the need for discovery***." *Messina*, 71 S.W.3d at 607 (emphasis added). Here there is ***no need*** for this trial testimony. Therefore, ***any*** annoyance, oppression, or undue burden and expense outweighs Plaintiffs' need and a protective order should issue.

Here, Mr. Grant has already provided ample testimony in the Roundup® litigation and compelling him to testify live at trial in this litigation presents him with the risk of a

substantial, ongoing burden. This case is one of 14 similar cases that are currently set for trial in Jackson County, St. Louis County or St. Louis City (including five cases involving OnderLaw). Additionally, Jackson County, St. Louis County or St. Louis City have numerous similar cases that are awaiting trial settings. If Mr. Grant is compelled to attend and testify at this trial, it potentially subjects him to similar subpoenas in any cases that are set for trial in the future. That is an unwarranted imposition on a non-party witness with little (if any) involvement in the issues that are the subject of these trials.

In short, imposing burdens on Mr. Grant is the very purpose, rather than an unintended side-effect, of seeking his trial testimony. Respondent exceeded his authority and abused his discretion in denying Mr. Grant's motion for a protective order.

IV. A Writ Is Appropriate Because Relator Has No Adequate Remedy On Appeal After Trial.

Writ relief is appropriate in this context because Relator, as a non-party, has no remedy on appeal after trial. As discussed above, the harm posed by Respondent's order is the burden, expense, annoyance and oppression inherent in compelling a non-party to testify at trial based on his role as a former CEO of a major corporation when he has already been fully and adequately deposed on the issues in this case. An after-the-fact appeal is not available for a non-party and therefore there is no other avenue for relief for these injuries.

CONCLUSION

For the foregoing reasons, and the reasons set forth in Relator's accompanying Petition for Writ of Prohibition, Relator requests that this Court issue a preliminary order

in and permanent writ of prohibition directing Respondent to take no further action other than granting Relator's motion for a protective order in full and quashing Plaintiff's trial subpoena.

DATED: April 8, 2022

Respectfully submitted,

HEPLERBROOM LLC

/s/ Gerard T. Noce
Gerard T. Noce, #27636
M. Elizabeth Kellett, #64954
One Metropolitan Square
211 North Broadway, Suite 2700
St. Louis, Missouri 63102
Telephone: (314) 241-6160
Facsimile: (314) 241-6116
gtn@heplerbroom.com
edk@heplerbroom.com

FOLAND, WICKENS, ROPER, HOFER & CRAWFORD, P.C.

Joe Roper, #36995
1200 Main Street, Suite 2200
Kansas City, MO 64105
Telephone: (816) 471-4325
Facsimile: (816) 472-6262
jroper@fwpclaw.com

ATTORNEYS FOR NON-PARTY RELATOR HUGH GRANT