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18
19 SUPERIOR COURT OF THE STATE OF CALIFORNIA

20 COUNTY OF CONTRA COSTA

21 COORDINATION PROCEEDING
22 SPECIAL TITLE (RULE 3.550)

Case No. JCCP 5031
CIVMS 5031

23 PARAQUAT CASES

24 **JOINT CASE MANAGEMENT**
25 **STATEMENT**

26 This document relates to:
27 All Coordinated Actions

Date: June 4, 2025
Time: 8:30 a.m.
Dept.: 39

28 **Assigned for All Purposes to:**
Hon. Edward G. Weil, Dept. 39

Trial date: unassigned

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1 The undersigned counsel respectfully submit this Joint Case Management
2 Conference Statement to address the most salient matters identified in California
3 Rules of Court 3.727 and 3.724.

4 **I. CASE COUNT UPDATES**

5 **A. JCCP**

6 As of the date of this filing, there are 429 known active cases pending in
7 various California state courts, 425 of which have been consolidated into the JCCP.

8 **B. MDL**

9 As of the date of this filing, there are approximately 6,257 active cases pending
10 in the MDL.

11 **C. Other Venues**

12 There are additional cases proceeding in state courts in Pennsylvania, Illinois,
13 and Delaware.

14 **II. REVIEW OF LITIGATION HISTORY**

15 Fact discovery was complete for the first round of bellwether cases, Krause
16 and Tenbrink, in the year 2022. Expert discovery was complete in early 2023. *Sargon*
17 and dispositive motions were fully briefed. On November 20, 2024, the Court held a
18 hearing on Defendants' motion to exclude Dr. Wells. The next day, the Court granted
19 Defendants' motion. The Court excluded both Dr. Wells's meta-analysis and his
20 Bradford Hill general causation opinion under California law. The Court's ruling
21 noted that Dr. Wells "is Plaintiffs' sole general causation expert." In February 2025,
22 the Court declined to let the phase one bellwethers amend their expert disclosures to
23 replace Dr. Wells. Accordingly, the parties agreed to present a stipulation for
24 dismissal and judgment for defendants in those two bellwether cases. The parties
25 agreed on the language of that stipulation for dismissal and judgment, but there has
26 been a delay in obtaining the necessary consent and signatures given that an
27 attorney for those bellwether plaintiffs moved to a new law firm.

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1 **III. MDL UPDATE**

2 As discussed with the Court at the last case management conference, the MDL
3 has reached a tentative settlement. The goal of that settlement would include
4 availability of settlement to JCCP plaintiff cases. A term sheet has been signed by
5 the parties in the MDL and MDL leadership for all parties are in ongoing discussions
6 regarding the Master Settlement Agreement.

7 As discussed above, on April 17, 2024, the MDL Court granted Defendants'
8 motion to exclude Dr. Martin Wells. Accordingly, the MDL Court dismissed with
9 prejudice the four pending phase-one MDL bellwether cases. Plaintiffs' appeal of Dr.
10 Wells's exclusion pending before the Seventh Circuit is stayed.

11 Prior to the tentative settlement discussed above, the MDL Court selected a
12 second wave of bellwethers, and discovery in those cases had been proceeding. In
13 light of the status of the tentative settlement, all case-specific bellwether discovery
14 has been stayed in the MDL, and the trial dates have been stayed. All other
15 deadlines pursuant to the CMOs for non-bellwether cases are still in place.

16 **IV. CURRENT STATUS OF JCCP PHASE 2 BELLWETHER CASES**

17 The Court previously determined that phase 2 would comprise four bellwether
18 cases, and selected John Holland and Richard Clasen (plaintiff picks), and David
19 Hernandez and John Vanhorn (defense picks). Since then, Mr. Vanhorn and Mr.
20 Holland have passed away. Accordingly, Plaintiff Steve Beman was substituted in
21 Mr. Vanhorn's place, and Keith Anderson was substituted in John Holland's place.

22 At the last Case Management Conference, the Court was presented with
23 Plaintiffs' Proposed Pre-Trial Schedule premised upon an October 27, 2025 trial date
24 and Defendants' Proposed Pre-Trial Schedule premised upon an August 10, 2026
25 trial date. The Court did not adopt either schedule, but rather permitted the parties
26 to focus their efforts on settlement-related work.

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1 **A. Plaintiffs' Position Regarding Pretrial Schedule**

2 A majority of bellwether plaintiffs have now died. Years have passed since the
3 close of discovery for the first round of bellwether cases. It is time to move these cases
4 toward trial expediently.

5 **Statement Regarding Round 2 Bellwether Richard Clasen**

6 On November 30, 2022 the Court selected Richard Clasen ("Mr. Clasen") as
7 one of the four Phase 2 bellwether cases. Over the past two-and-a-half years, Mr.
8 Clasen's cognitive and physical health has progressively deteriorated.

9 In addition to his advanced Parkinson's disease, Mr. Clasen (73 years old) has
10 been diagnosed with Parkinson's dementia complicated by hallucinations and
11 delusions. His hallucinations and delusions have increased in frequency and severity
12 over the past year. Mr. Clasen is now wheelchair-bound and needs assistance with
13 almost all of the activities of daily living. Over the past six months, he has been
14 hospitalized due to falls, complex wound care, and other conditions related to his
15 comorbidities.

16 In light of his cognitive decline and deterioration in his health, Mr. Clasen
17 noticed a trial preservation deposition for July 1, 2025 and the parties are currently
18 coordinating on the scheduling and parameters of the deposition. In addition, the
19 parties have exchanged written discovery.

20 In accordance with CMO 2, counsel for Mr. Clasen provided written notice to
21 the Preference Committee requesting a preferential trial setting. This request was
22 supported by the opinion of Dr. Mary Genevieve, a board-certified neurologist
23 licensed practicing in California. Following a review of Mr. Clasen's medical records
24 and a 2-hour evaluation by video, Dr. Genevieve reached the following conclusion:

25 Based on a reasonable degree of medical certainty, Mr. Clasen is at a
26 high risk of death or a significant functional decline including a loss of
27 cognitive and communicative capacity within the next 6-12 months. Mr.
28 Clasen's capacity to provide an accurate and complete history will soon
become significantly impaired. Therefore, it is my recommendation that

1 efforts to perpetuate his testimony and preserve his firsthand account
2 should be considered very time-sensitive.

3 Mr. Clasen respectfully submits that preference is necessary “to prevent
4 prejudicing his interest in the litigation.” CCP § 36(a). However, because Mr.
5 Clasen's case was previously selected as a bellwether pick and case-specific discovery
6 in his action is already underway, it is Plaintiff's position that this Court can forego
7 the need for a preference petition and set his case for trial in the next 6-8 months.
8 This will serve the interests of both Mr. Clasen, the other Round 2 bellwether cases
9 and the litigation.

10 Mr. Clasen understands that at the last CMC it was announced that there is a
11 tentative settlement of the MDL, and that the goal of that settlement would include
12 availability of settlement to JCCP plaintiff cases. However, until there is a
13 settlement that is accepted by Mr. Clasen individually, his case remains pending in
14 this Court.

15 Plaintiffs proposed the following to streamline discovery while at the same
16 time allowing Defendants ample time to complete discovery while at the same time
17 permitting the case to be tried in:

18 **Case-specific depositions:** The parties already have the plaintiff fact sheets
19 and records identifying fact witnesses for the phase two bellwether plaintiffs. Case-
20 specific depositions can begin immediately.

21 **Expert depositions:** Rather than duplicate effort, Plaintiffs propose that no
22 depositions should take place for experts who were already deposed for the phase one
23 bellwethers, and whose opinions have not changed. Plaintiffs propose that, for
24 experts who were already deposed in phase one, who have updates or edits to their
25 opinions, depositions should be limited to the new or updated material and limited to
26 two hours. For any other experts, the seven hour limit should apply.

27 **Expert exclusion motions:** In order to efficiently resolve expert motions in a
28 resource-sensitive manner, Plaintiffs propose that dispositive motions, including

potentially-dispositive expert exclusion (*Sargon*) motions, be briefed shortly after the close of expert discovery. Each party should be limited to one summary judgment motion. The page limit for summary judgment motions should be in accordance with California code. For potentially dispositive expert exclusion (*Sargon*) motions the page limit should be ten pages per expert. All other (non-dispositive) expert motions should be presented to the Court as motions in limine (which is the ordinary practice in California trial courts).

Plaintiffs propose the following Pretrial Schedule:

Event	Ps Date
Close of Fact Discovery	8/15/2025
Expert disclosures by both parties ¹	8/25/2025
Supplemental expert disclosures by both parties	9/8/2025
Deadline to depose plaintiffs' experts	10/3/25
Deadline to depose defendants' experts	10/3/25
Deadline to file summary-judgment motions (per code) and potentially-dispositive <i>Sargon</i> motions (10 pgs each)	10/24/25
Deadline to file oppositions to summary-judgment motions and potentially-dispositive <i>Sargon</i> motions	11/28/2025
Deadline to file reply briefs regarding summary-judgment motions and potentially-dispositive <i>Sargon</i> motions	12/5/2025
Hearing regarding summary-judgment motions and potentially-dispositive <i>Sargon</i> motions	12/12/2025
Deadline to file motions in limine	12/15/2025 ²
Deadline to file oppositions to motions in limine	1/5/2026
Deadline to serve on opposition party deposition designations, witness/exhibit lists, proposed jury questionnaire, proposed jury instructions	1/5/2026
Deadline to (after meeting and conferring) file deposition designations and counter designations, proposed jury questionnaire and objections, jury instructions and objections	1/12/2026
Hearing on motions in limine, deposition designations, jury questionnaire	1/15/2026-1/16/2026
Trial	1/19/2026

¹ Scope and timing of service of expert reports and supporting materials is governed by CMO 6.

² All post-*Sargon* dates are to be revisited after the Court's ruling on *Sargon* and summary-judgment motions.

1 **B. Defendants’ Position Regarding Pretrial Schedule**

2 In the first wave of bellwether cases, Plaintiffs had a full and fair chance to
3 litigate their claims. None of those claims held sufficient merit to proceed to trial.
4 Having lost their request to re-do their expert case in the wave 1 bellwether cases,
5 Plaintiffs now propose a trial date for wave 2 in just 6 to 8 months. That corresponds
6 to trial commencing between approximately December 4, 2025, and February 4, 2026.
7 Given all of the work to do in wave 2 bellwether cases, Plaintiffs’ proposal is
8 unreasonably short. In their sprint for a January trial date, Plaintiffs repeatedly cut
9 corners and curtail Defendants’ rights to vet and challenge Plaintiffs’ experts—a
10 transparent attempt to avoid the level of scrutiny that led to the exclusion of
11 Plaintiffs’ core causation expert in wave 1 proceedings.

12 Defendants offer an expeditious but more practicable proposal. Given the
13 Court’s guidance at the last conference, Defendants have shortened their proposed
14 schedule by *five months*, with the first trial occurring in *March 2026*. After the
15 MDL Court excluded Dr. Wells, it adopted a “tight schedule” for wave 2 bellwethers
16 that set trial 14 months out. As discussed below, there is *more* pretrial work to be
17 done in the JCCP wave 2 cases—particularly with respect to expert discovery—yet
18 Defendants’ proposal is five months *shorter* than the schedule adopted in the MDL.

19 **Fact Discovery.** The parties need sufficient time to conduct fact discovery.
20 This includes deposing the Plaintiffs, their family members, and third-party
21 witnesses to Plaintiffs’ alleged paraquat exposure. It also includes obtaining relevant
22 documents from third parties—such as entities from which Plaintiffs claim to have
23 purchased paraquat, Plaintiffs’ former employers, state licensing agencies, and so on.
24 In wave 1, this Court set a pre-trial schedule that allowed four months to conduct
25 fact discovery in the original four bellwether cases. Defendants propose completing
26 this work in *half* that time (for the same number of bellwethers) in wave 2.

27 **Expert Discovery.** At the last Case Management Conference, counsel for
28 Plaintiff Clasen indicated that they intended to “do our own individual case workup

1 and move forward independently.” Plaintiffs have since confirmed that Clasen and
2 at least one of the other wave 2 bellwether (Beman) will **not** be designating experts
3 from the wave 1 cases. Moreover, although Clasen and Beman will share some
4 experts with each other, they will each have some unique experts as well. And even
5 if the other two wave 2 Plaintiffs intend to re-use some experts from wave 1, at a
6 minimum they will need to designate a new epidemiologist. That epidemiologist will
7 likely be **different** from the epidemiologist(s) designated by Clasen and Beman.
8 Thus, there is a significant amount of core, highly technical expert discovery to be
9 conducted for the first time in wave 2. Yet Plaintiffs propose just six weeks to depose
10 all of these experts **and** all of Defendants’ experts (who likely will need to offer new
11 opinions to respond to Plaintiffs’ new expert analyses). That ignores the history and
12 scientific realities of this litigation.

13 In the wave 1 cases, this Court initially provided approximately six weeks
14 from the Parties’ initial expert disclosures until the deadline to depose Plaintiffs’
15 expert witnesses, and another four weeks to depose Defendants’ experts. (5/1/22
16 Order.) That schedule proved practically unworkable, and both deadlines were
17 extended by approximately three months. (8/8/22 Order.) In wave 2, Defendants
18 propose completing expert discovery in **less than half** the time it took in phase 1—in
19 fact, in less time than the Court’s initial wave 1 expert discovery schedule.

20 Defendants are willing to discuss not re-deposing experts whose opinions have
21 not changed. Defendants are also willing to consider streamlining the schedule for
22 any experts that Plaintiff chooses to re-use from wave 1. However, we cannot have
23 that discussion in the dark. Once the Parties have designated their experts and their
24 intended opinions, the Parties will be in a position to meaningfully meet and confer
25 regarding the scope and duration of expert depositions. There is no basis to
26 categorically limit depositions of wave 1 experts who offer new or revised opinions to
27 two hours, before even knowing what those opinions might be.

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1 **Sargon Motions.** *Sargon* proved critical in the wave 1 bellwether cases.
2 Defendants anticipate bringing meritorious *Sargon* challenges in wave 2 as well.
3 Plaintiffs should not be permitted to shield *any* of their experts from *Sargon*'s full
4 rigor through truncated page limits and briefing periods. Plaintiffs' proposals are
5 incompatible with the complex scientific issues presented by these cases. Defendants
6 are willing to discuss the scope and length of *Sargon* briefs, but as before, this
7 discussion cannot meaningfully occur until the Parties have disclosed their experts
8 and those experts have been deposed. At this stage, the most prudent course is to set
9 a general deadline for all *Sargon* motions without artificial pre-specified page or
10 scope limits, then refine those issues once the Parties have sufficient information.

11 Plaintiffs' proposed deadlines are likewise unreasonable. They propose giving
12 themselves over a month to respond to Defendants' *Sargon* motions, filing their
13 oppositions the Friday after Thanksgiving, then having Defendants' reply briefs due
14 just a week later. The Court should reject this attempt to slant the schedule on the
15 very issues that were dispositive for the wave 1 bellwethers.

16 **Dispositive Motions.** As discovery in the wave 2 cases has not even started,
17 there is no reason to pre-set artificial limits on the number or length of dispositive
18 motions that a Party may bring months down the road. Rather, the Parties should
19 confer regarding such issues after the cases have progressed to a more mature stage.

20 **Proposed Schedule.** Defendants' proposed schedule below is consistent with
21 the Court's guidance and prior scheduling orders. It also reflects the practical
22 necessities of this complex, science-heavy litigation. This schedule is incredibly
23 aggressive, and will require the full commitment of all Parties to achieve.

Event	Date
Deadline for Plaintiffs to serve amended Plaintiff Fact Sheets and disclose any additional fact witnesses in each bellwether case	6/13/25
Close of fact discovery	8/15/25

1	Expert disclosures by both parties ³	8/19/25
2	Supplemental expert disclosures by both parties	8/26/25
3	Deadline to depose plaintiffs' experts	9/26/25
4	Deadline to depose defendants' experts	10/24/25
5	<i>Sargon</i> and summary-judgment motions	10/30/25
6	Oppositions to <i>Sargon</i> and summary-judgment motions	11/20/25
7	Reply briefs regarding <i>Sargon</i> and summary-judgment motions	12/11/25
8	Hearing regarding <i>Sargon</i> and summary-judgment motions	1/8/26
9	Motions in Limine; deposition designations; witness/exhibit lists	2/6/26 ⁴
10	Serve proposed jury questionnaire on opposing party	2/9/26
11	Serve objections to proposed jury questionnaire	2/17/26
12	Oppositions to Motions in Limine; objections to deposition designations; deposition counter-designations	2/18/26
13	Issue Conference Statement and all documents per L.R. 3.11(c)	2/25/26
14	Motion in Limine replies; objections to counter-designations	2/27/26
15	Initial jury instruction submissions	3/2/26
16	Issue Conference	3/4/26
17	Trial	3/16/26

18 Dated: June 2, 2025

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³ Scope and timing of service of expert reports and supporting materials is governed by CMO 6.

⁴ All post-*Sargon* dates are to be revisited after the Court's ruling on *Sargon* and summary-judgment motions.

1 Dated: June 2, 2025

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1 **PROOF OF SERVICE**

2 *Richard Clasen v. Syngenta AG, et al.*

3 Contra Costa Superior Court, Case No. MS5031 / CGC-21-593093 (Consolidated Case)

4 I am a resident of the State of California, County of San Francisco; I am over the age of
5 eighteen years and not a party to the within action; my business address is 315 Pacific Avenue,
6 San Francisco, CA 94111. On the date set forth below, I served the within documents:

7 **JOINT CASE MANAGEMENT STATEMENT**

8 [X] **BY ELECTRONIC SERVICE** – the parties listed below were served
9 electronically with the document(s) listed above by e-mailed PDF file(s). The
10 transmission was reported as complete and without error. My electronic
11 notification address is 315 Pacific Avenue, San Francisco, California 94111. My
12 e-mail address is jpadilla@grsm.com.

13 **SEE ATTACHED SERVICE LIST**

14 [X] **STATE:** I declare under penalty of perjury, under the laws of the State of
15 California, that the above is true and correct.

16 Executed on June 2, 2025, at San Francisco, California.

17 

18 _____
19 Judy Padilla

20 1275822/69547221v.1

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Contra Costa Superior Court, Case No. MS5031 / CGC-21-593093 (Consolidated Case)

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