

1 MICHAEL A. KELLY (State Bar #71460)
mkelly@walkuplawoffice.com
2 KHALDOUN A. BAGHDADI (State Bar #190111)
kbaghdadi@walkuplawoffice.com
3 SARA M. PETERS (State Bar #260610)
speters@walkuplawoffice.com
4 KELLY L. GANCI (State Bar #335658)
kganci@walkuplawoffice.com
5 WALKUP, MELODIA, KELLY & SCHOENBERGER
650 California Street, 26th Floor
6 San Francisco, CA 94108
Phone: (415) 981-7210
7 INTERIM CO-LEAD COUNSEL AND
ATTORNEYS FOR PLAINTIFFS

8 DON WILLENBURG (State Bar #116377)
Dwillenburg@grsm.com
9 NICHOLAS P. MORAN (State Bar #322908)
Nmoran@grsm.com
10 GORDON REES SCULLY MANSUKHANI, LLP
11 315 Pacific Avenue
San Francisco, CA 94111
12 Phone: (415) 986-5900
ATTORNEYS FOR DEFENDANTS
13 SYNGENTA AG AND SYNGENTA
CROP PROTECTION

14 ADDITIONAL COUNSEL LISTED ON
15 SIGNATURE PAGES

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 COUNTY OF CONTRA COSTA

18
19 COORDINATION PROCEEDING
SPECIAL TITLE (RULE 3.550)

Case No. JCCP 5031
CIVMS 5031

20 PARAQUAT CASES

JOINT CASE MANAGEMENT
STATEMENT

21
22 This document relates to:
All Coordinated Actions

Date: August 13, 2025
Time: 8:30 a.m.
Dept.: 39

23
24 Assigned for All Purposes to:
Hon. Edward G. Weil, Dept. 39

25 Trial date: April 6, 2026
26

27 ///

28 ///

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 436 known active cases pending in
7 various California state courts, 422 of which have been consolidated into the JCCP.

8 B. MDL

9 As of the date of this filing, there are approximately 6,325 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. The first trial in the Pennsylvania consolidated litigation was
14 scheduled for August 4, 2025. The case was resolved prior to trial. The next trial in
15 Pennsylvania is scheduled for October 6, 2025.

16 II. REVIEW OF LITIGATION HISTORY

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

1 III. MDL UPDATE

2 Since the June case management conference, the parties have signed a Master
3 Settlement Agreement. The Settlement will be open to Plaintiffs in the MDL and this
4 JCCP who have filed a lawsuit as of April 7, 2025. The parties have retained a
5 Settlement Administrator as well as a Lien Negotiation Administrator. Lead counsel
6 in both the MDL and the JCCP have communicated with all counsel with filed cases
7 and will remain in contact with all counsel as the process progresses.

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

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

17 IV. CURRENT STATUS OF JCCP PHASE 2 BELLWETHER CASES

18 The Court previously determined that phase 2 would comprise four bellwether
19 cases, and selected John Holland and Richard Clasen (plaintiff picks), and David
20 Hernandez and John Vanhorn (defense picks). Mr. Clasen passed away on June 23,
21 2025. Following the passing of Mr. Holland and Mr. Vanhorn, Plaintiff Keith
22 Anderson was substituted in Mr. Holland's place, and Plaintiff Steve Beman was
23 substituted in Mr. Vanhorn's place. Mr. Beman is in a nursing/rehab facility, and his
24 family have been unresponsive to repeated attempts to contact them. Defendants are
25 aware of the status of Mr. Beman. Mr. Beman's counsel is intending to file a Motion
26 to Withdraw pursuant to California Rule of Court 3.1362 and Code of Civil Procedure
27 § 284(2). Defendants selected William DeHaven (represented by the same counsel as
28 Mr. Clasen) as the replacement defense pick case.

A. Trial Date and Pre-Trial Schedule

At the last Case Management Conference, the Court set the first bellwether trial date for April 6, 2026 with a trial estimate of 30 days. The parties agreed to confer regarding a Pre-Trial Schedule based upon that trial date. The parties have met and conferred and have been unable to agree on a Pre-Trial Schedule. The parties' proposed schedules (assuming an April 2026 trial date) are set forth below.

Event	Defendants' Proposal	Plaintiffs' Proposal
Deadline for Plaintiffs to serve any amended PFS and disclose any additional fact witnesses	14 days before deposition	Deleted
Close of fact discovery	9/12/25	9/12/25
Expert disclosures by both parties ¹	9/12/25	9/12/25
Supplemental expert disclosures by both parties	9/19/25	9/19/25
Deadline to depose Plaintiffs' experts	10/17/25	11/14/25
Deadline to depose Defendants' experts	11/21/25	12/12/25
<i>Sargon</i> and summary-judgment motions	12/19/25	12/19/25
<i>Sargon</i> and summary-judgment oppositions	1/19/26	1/19/25
<i>Sargon</i> and summary-judgment replies	2/4/26	2/2/26
<i>Sargon</i> and summary-judgment hearing	2/18/26	2/16/26
Motions in Limine; deposition designations; witness/exhibit lists ²	2/27/26	2/27/26
Serve proposed jury questionnaire	3/3/26	3/3/26
Serve objections to proposed jury questionnaire	3/10/26	3/10/26
Oppositions to Motions in Limine; objections to deposition designations; dep counter-designations	3/12/26	3/12/26
Issue Conference Statement and L.R. 3.11(c) documents	3/18/26	3/18/26
MIL replies; objections to counter-designations	3/20/26	3/20/26
Initial jury instruction submissions	3/23/26	3/23/26
Issue Conference	3/25/26	3/25/26
Trial	4/6/26	4/6/26

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. Plaintiffs' Position Regarding Pretrial Schedule

2 Plaintiffs' proposal balances the interests and concerns of both sides. The
3 parties are aligned on deadlines from motions in *limine* through trial. Significantly,
4 Plaintiffs' proposal builds in more time for the completion of fact and expert
5 discovery. Several of the Round 2 bellwether plaintiffs intend to designate experts
6 that were not named in the first round of bellwether cases and who have not
7 previously been deposed in any other venue. Therefore, Plaintiffs anticipate that
8 additional time to complete expert discovery will be necessary, especially considering
9 that many of the experts are scheduled to testify at the October 6, 2025, trial in
10 Philadelphia, Pennsylvania.

11 Defendants argue that Plaintiffs' proposed schedule is unfair as it: (1) allows
12 more time for plaintiffs' experts to prepare reports and be deposed; and (2) *Sargon*
13 and summary judgment motions would need to be filed within one week of the
14 deadline to depose Defendants' experts. But Defendants' concerns are illusory given
15 the scope of expert discovery that has already been completed in the JCCP, MDL and
16 other state court jurisdictions.

17 First, under Plaintiffs' proposal, Defendants' experts have *more* time to
18 prepare their expert reports following the close of discovery. There is simply no
19 reason why Defendants' experts would have to wait until all Plaintiffs' experts are
20 deposed before preparing their reports. This is especially true considering that
21 Defendants already know the opinions for the majority, if not all, of Plaintiffs'
22 experts. Indeed, Defendants are already in possession of expert reports prepared by
23 each of the 14 retained experts designated by Mr. Clasen and Mr. DeHaven's counsel
24 in the Philadelphia litigation. To the extent that Defendants' experts need to address
25 or rebut an opinion of one of plaintiffs' experts, they can certainly do so in a four-
26 week time span.

27 Second, any prejudice of having to file *Sargon* and summary-judgment motions
28 within one week of the deadline to depose Defendants' experts is on Plaintiffs, not

1 Defendants. Yet, Plaintiffs are fully prepared to meet this deadline.

2 Furthermore, the parties have already done extensive briefing in the previous
3 bellwether cases on issues that are common to the Round 2 bellwethers, as well as
4 briefing on many of the experts that will be disclosed in the Round 2 cases. Therefore,
5 Plaintiffs' schedule incorporates the following:

6 Expert depositions: Rather than duplicate effort, Plaintiffs propose that no
7 depositions should take place for experts who have previously been deposed
8 concerning their general expert opinions, and whose opinions have not changed.
9 Plaintiffs propose that, for experts who were already deposed, who have updates or
10 edits to their opinions, depositions should be limited to the new or updated material
11 and limited to two hours. For any other experts, the seven-hour limit should apply.

12 Expert exclusion motions: In order to efficiently resolve expert motions in a
13 resource-sensitive manner, Plaintiffs propose that dispositive motions, including
14 potentially-dispositive expert exclusion (*Sargon*) motions, be briefed shortly after the
15 close of expert discovery. Each party should be limited to one summary judgment
16 motion. The page limit for summary judgment motions should be in accordance with
17 California code. For potentially dispositive expert exclusion (*Sargon*) motions the
18 page limit should be ten pages per expert. All other (non-dispositive) expert motions
19 should be presented to the Court as motions in limine (which is the ordinary practice
20 in California trial courts).

21 C. Defendants' Position Regarding Pretrial Schedule

22 1. Trial Date

23 Since the last CMC in June, there have been three major developments in the
24 wave 2 bellwether cases. *First*, six weeks after the June CMC and after Defendants'
25 served initial discovery and sought to schedule fact witness depositions, Plaintiff's
26 counsel informed us that Mr. Beman has not been returning their calls. Mr. Beman
27 has been a bellwether plaintiff since July 2024. Defendants do not know how long it
28 has been since Plaintiff's counsel had contact with their client, but the first we heard

1 of them losing contact was on July 16—a year after Mr. Beman was selected as a
2 bellwether. Mr. Beman is obviously not viable as a bellwether selection now. Since
3 he was a defense selection, Defendants promptly chose William DeHaven as a
4 replacement and served discovery.

5 *Second*, Mr. Clasen passed away in late June before the parties could conduct
6 either a discovery or trial preservation deposition. Nevertheless, Plaintiffs' counsel
7 have chosen to proceed working up Mr. Clasen's case as a bellwether. However, in
8 Defendants' view, Mr. Clasen's wrongful-death claim is not an appropriate bellwether
9 selection and should not be considered for the first trial. Even before his unfortunate
10 passing, Mr. Clasen's case was not remotely representative of the JCCP plaintiff pool.
11 For example, on July 1, 2025—a week *after* Mr. Clasen's death—Plaintiffs' counsel
12 served an amended PFS. (Mr. Clasen's prior PFS had been in place for more than 2.5
13 years.) The amended PFS significantly changed Mr. Clasen's exposure claims,
14 including a new claim that approximately *half* of Mr. Clasen's alleged exposure was
15 from "unclog nozzles" at "various" locations on "various" crops over a 20-year period.
16 Mr. Clasen's unfortunate passing before the parties could conduct a trial
17 preservation deposition renders his case even less representative. Because Mr.
18 Clasen's non-representative, wrongful-death claim will not provide a learning
19 experience that applies across the JCCP docket, the case is unsuitable as a
20 bellwether trial selection.

21 *Third*, Plaintiffs have demanded to keep fact discovery open until mid-
22 September and then allow two full months for their experts to prepare reports and be
23 deposed. Plaintiffs acknowledge that at least two bellwether cases will use a new set
24 of experts who haven't been subject to depositions or *Sargon* challenges in the JCCP.
25 Counsel in those cases recently designated *14 retained experts* for a single plaintiff
26 in the Philadelphia litigation, including multiple epidemiologists, toxicologists, and
27 neurologists, an agronomist, an environmental historian, a professor of business
28 ethics, a regulatory witness, and a witness regarding product warnings.

1 Despite proposing that they be given *two months* for their own expert reports
2 and depositions, Plaintiffs propose giving Defendants' experts only *four weeks*—
3 including the week of Thanksgiving—to prepare responsive reports and be deposed.
4 Plaintiffs then propose *Sargon* and summary-judgment motions to be filed *one week*
5 later. That includes potential *Sargon* challenges to a dozen or more new experts who
6 have not appeared in the JCCP before, and presumably a new epidemiologist for
7 Plaintiffs Anderson and Hernandez to replace Dr. Martin Wells who was previously
8 excluded.

9 If Plaintiffs receive two months for their experts to prepare reports and be
10 deposed, Defendants should be afforded something similar. And the parties should
11 receive more than one week to file *Sargon* and summary-judgment motions,
12 especially considering the Plaintiffs' promised fleet of new experts. The only way to
13 accommodate Plaintiffs' request for two months while permitting the Defendants an
14 equal time period is to move the trial date. This also gives the parties more time to
15 onboard Mr. DeHaven as a replacement bellwether selection. Defendants believe all
16 of this can be accomplished with only a short delay in the trial date.

17 Working through the necessary deadlines, discovery could proceed through
18 September 12, as Plaintiffs propose. Plaintiffs' expert reports and depositions would
19 be completed by November 14, also as Plaintiffs propose. Defendants' deadline for
20 expert reports and depositions would be January 14—the same two-month period as
21 Plaintiffs notwithstanding the Thanksgiving and the winter holidays. *Sargon* and
22 summary-judgment motions would be due February 5, with responses due March 5,
23 replies due March 26, and a hearing in late April. As Plaintiffs note, the parties have
24 agreement on the cadence of deadlines immediately preceding trial (*e.g.*, motions in
25 limine)—approximately one month total. That month of deadlines would start in
26 mid-May, with a trial date in early July.

27 2. Schedule Assuming an April Trial Date

28 If the April trial date must remain in place, Defendants are willing to accept

1 Plaintiffs' dates on the close of discovery, the service of expert disclosures, and the
2 deadline to file *Sargon* and summary-judgment motions. However, there must be a
3 fairer split of the three-month period between the close of discovery and the *Sargon*
4 deadline.

5 Plaintiffs propose giving themselves *eight weeks* for their own expert reports
6 and depositions, then just *four weeks* (including Thanksgiving) for Defendants'
7 experts' reports and depositions, and then *one week* for *Sargon* and summary-
8 judgment motions. Defendants would propose a more equitable split: five weeks for
9 Plaintiffs' expert reports and depositions, five weeks for Defendants' expert reports
10 and depositions, and three weeks to prepare *Sargon* and summary-judgment
11 motions. Namely, discovery would close on September 12, with simultaneous expert
12 disclosures that same day and supplemental disclosures on September 19. Plaintiffs'
13 expert work would be completed by October 17, and Defendants' expert work by
14 November 21. *Sargon* and summary-judgment motions would be due December 19 as
15 Plaintiffs propose, with responses due January 19 and replies due February 4, with a
16 hearing on February 18.³

17 3. PFS Amendment Deadline

18 A Plaintiff Fact Sheet is a critical document to be explored in the Plaintiff's
19 deposition. The PFS is supposed to set out the details of a Plaintiff's alleged paraquat
20 exposures and medical issues. It is supposed to be signed under the penalty of
21 perjury as complete and correct. Unfortunately, some Plaintiffs have made
22 significant changes to PFSs and similar documents within 24 or 48 hours of their
23 depositions. In the interest of fairness, Defendants request that any PFS
24 amendments occur at least 14 days before the Plaintiff's deposition.

26 ³ Defendants of course defer to the Court on the hearing date. Defendants expect the parties
27 will collectively file at least ten *Sargon* and summary-judgment motions. If the Court desires
28 more than two weeks to prepare for argument on such motions, the February 18 hearing date
would need to be moved back.

1 4. Limits on Expert Depositions and Briefs

2 Expert Discovery. Defendants are willing to discuss not re-deposing experts
3 whose opinions have not changed. Defendants are also willing to consider
4 streamlining the schedule for any experts that Plaintiffs chooses to re-use from wave
5 1. However, we cannot have that discussion in the dark. Once the parties have
6 designated their experts and their intended opinions, they will be in a position to
7 meaningfully meet and confer regarding the scope and duration of expert depositions.

8 As may be relevant to such a discussion, wave 1 Plaintiffs designated 10
9 experts. And at a minimum, counsel representing Anderson and Hernandez are
10 likely to designate a new epidemiologist given Dr. Wells's exclusion. In addition,
11 counsel representing Clasen and DeHaven have repeatedly confirmed that they will
12 use an entirely *different* set of experts. That counsel recently designated 14
13 retained experts in the Philadelphia litigation, a jurisdiction in which expert
14 depositions are not available as of right.

15 Given the exclusion of wave 1 Plaintiffs' general causation expert, Defendants
16 must be given a full and fair opportunity to take discovery of wave 2 Plaintiffs'
17 experts and develop responsive expert opinions. As a default, Defendants should be
18 permitted a seven-hour deposition of all experts designated by Plaintiffs. Defendants
19 are willing to discuss shortening or even forgoing depositions for certain experts, but
20 those discussions depend on the precise opinions those experts seek to offer.

21 *Sargon* Motions. *Sargon* proved critical in the wave 1 cases. Defendants
22 anticipate bringing meritorious *Sargon* challenges in wave 2 as well. Plaintiffs
23 should not be permitted to shield their experts from *Sargon*'s full rigor through
24 truncated page limits and briefing periods. Plaintiffs' proposals are incompatible
25 with the complex scientific issues presented by these cases. Defendants are willing
26 to discuss the scope and length of *Sargon* briefs, but as before, this discussion cannot
27 meaningfully occur until the parties have disclosed their experts and those experts
28 have been deposed. At this stage, the most prudent course is to set a general

1 deadline for all *Sargon* motions without artificial pre-specified page or scope limits,
2 then refine those issues once the parties have sufficient information.

3 Dispositive Motions. There is no reason to pre-set artificial limits on the
4 number or length of dispositive motions that a party may bring months down the
5 road. Rather, the parties should confer regarding such issues after the cases have
6 progressed to a more mature stage.

7 D. Status of Discovery in Bellwether Cases

8 Richard Clasen - The parties were unable to commence Mr. Clasen's
9 preservation deposition in light of his untimely passing. To date, the parties have
10 completed the depositions of two of Mr. Clasen's treating neurologists. The
11 depositions of several lay witnesses were completed this week including Colleen
12 Clasen (spouse); Mr. Clasen's two daughters, and a former co-worker of Mr. Clasen
13 (exposure fact witness). Plaintiff has responded to Requests for Production and
14 Special Interrogatories served by both Defendants and have issued Requests for
15 Production and Request for Admissions to Chevron and Syngenta.

16 Keith Anderson – In addition to completing and supplementing the Plaintiff
17 Fact Sheet, Plaintiff Keith Anderson has responded to written discovery including
18 Special Interrogatories and Requests for Production. The parties have met and
19 conferred regarding dates for Plaintiff's Deposition, as well as the depositions of lay
20 witnesses identified in the PFS. Those depositions are being scheduled for late
21 August into early September.

22 David Hernandez – In addition to completing and supplementing the
23 Plaintiff Fact Sheet, Plaintiff David Hernandez is scheduled to be deposed August 27.
24 The parties are meeting and conferring regarding depositions of lay witnesses
25 identified in the PFS. Defendants have served written discovery, the responses to
26 which are due August 15, 2025.

27 William DeHaven – On July 30, 2025, Defendants served Special
28 Interrogatories and Requests for Production on Plaintiff DeHaven.

1 V. DOCKET MANAGEMENT

2 Defendants contend that it is well known that, once a settlement is announced,
3 less-than-meritorious claims are often filed. In addition, Defendants have concerns
4 about the viability of many cases already on the docket. At the appropriate time,
5 Defendants intend to seek appropriate relief to manage the docket and the viability
6 of the claims on it.

7
8
9 Dated: August 8, 2025

WALKUP, MELODIA, KELLY & SCHOENBERGER

10
11 By: 

12 MICHAEL A. KELLY
13 KHALDOUN A. BAGHDADI
14 SARA M. PETERS
15 KELLY L. GANCI
Interim Co-Lead Counsel and Attorneys for
Plaintiffs

16 Dated: August 8, 2025

NACHAWATI LAW GROUP

17
18 
19 By: _____

20 MAJED NACHAWATI
21 Interim Co-Lead Counsel and Attorneys for
Plaintiffs

22 Dated: August 8, 2025

SCHNEIDER WALLACE COTTREEL KIM, LLP

23
24 
25 By: _____

26 AMY ESKIN
27 Plaintiffs' Liaison Counsel
28

1	Dated: August 8, 2025	GORDON REES SCULLY MANSUKHANI, LLP
2		
3		
4		By: <u>/s/ Don Willenburg</u>
5		DON WILLENBURG
6		NICHOLAS MORAN
		Attorneys for DEFENDANTS SYNGENTA
		AG, SYNGENTA CROP PROTECTION, LLC
7	Dated: August 8, 2025	KIRKLAND & ELLIS
8		
9		
10		By: <u>/s/ Ragan Naresh</u>
11		RAGAN NARESH
		Attorneys for DEFENDANTS SYNGENTA
		AG, SYNGENTA CROP PROTECTION, LLC
12	Dated: August 8, 2025	JONES DAY
13		
14		
15		By: <u>/s/ Steven N. Geise</u>
16		STEVEN N. GEISE
17		Attorneys for DEFENDANT CHEVRON
		U.S.A. INC.
18	Dated: August 8, 2025	GORDON REES SCULLY MANSUKHANI, LLP
19		
20		
21		By: <u>/s/ Gerhardt Zacher</u>
22		P. GERHARDT ZACHER
		MATTHEW P. NUGENT
		Attorneys for DEFENDANT WILBUR-ELLIS
		COMPANY LLC
24		
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On the date set forth below, I caused to be served true copies of the following document(s) described as

- BY ELECTRONIC SERVICE: I electronically served the document(s) described above via File&ServeXpress, on the recipients designated on the Transaction Receipt located on the File&ServeXpress website pursuant to the Court Order establishing the case website and authorizing service of documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Amy Shi

Amy Eskin