

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RANDALL KING, SCOTT BUTTERFIELD
ROBERT KOEHLER, MICHAEL MERX,
AND BRUCE WALDMAN, *on behalf of
themselves and others similarly situated,*

Plaintiffs,

v.

MONSANTO COMPANY,

Defendant.

Case No. 4:26-CV-813-HEA

NOTICE OF APPEAL

Notice is hereby given that Objector Defendants¹ appeal to the United States Court of Appeals for the Eighth Circuit from the Order of Remand entered in this action on June 17, 2026. The District Court held that the court “lacks jurisdiction” because of a procedural removal defect. Dkt No. 93 (Opinion, Memorandum, and Order) at 3 (“The Corut [sic], therefore lacks jurisdiction and the case must be remanded.”); *See* Dkt. Nos. 84 (Objector Defendants’ Motion to Intervene), 83 (Objector Defendants’ Opposition to Monsanto’s Motion to Remand) at 15 (alternatively seeking intervention as of right), 82 (Objector Defendants’ Opposition to Named Plaintiffs’ Motion to Remand) at 15 (same).

The District Court’s order granted the motion to remand. That order obviously is a “final decision,” because it “disassociates [the district court] from [the] case.” *Gelboim v. Bank of Am. Corp.*, 574 U.S. 405, 408 (2015) (quoting *Swint v. Chambers Cnty. Comm’n*, 514 U.S. 35, 42

¹ Objector Defendants are Craig Boylan, David Childress, Xavier Estrada, Lori Ann Fain, Donna Mason, Frederick O’Neill, Edward Rankin, William Robbins, William Szabo, and Patricia Veal.

(1995)). Specifically, the Court held that Objector Defendants “have no basis upon which to remove [the case]” because they “are not defendants in the action,” Op., Mem. & Order at 3, which they unambiguously would have been if the District Court had granted the motion to intervene. And a failure to grant “a motion to intervene of right is immediately appealable as a final judgment.” *See United States v. Geranis*, 808 F.3d 723, 727 (8th Cir. 2015); *Smith v. SEECO, Inc.*, 865 F.3d 1021, 1023-24 (8th Cir. 2017) (similar and collecting cases); 7C Wright & Miller’s Federal Practice and Procedure § 1923 (3d ed. Apr. 2026 update). Hence the order here is immediately appealable under 28 U.S.C. § 1291.

Dated: June 17, 2026

Respectfully submitted,

/s/ Ashley Keller
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Counsel for Objector Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of June 2026, the above and foregoing was filed electronically with the Clerk of the Court, to be served by operation of the Court's electronic filing system upon all counsel of record.

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