

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**IN RE SYNGENTA AG MIR162 CORN
LITIGATION**

Master File No. 2:14-MD-02591-JWL-JPO

**THIS DOCUMENT RELATES TO
ALL CASES EXCEPT:**

MDL No. 2591

*Louis Dreyfus Company Grains
Merchandising LLC v. Syngenta AG, et
al., No: 16-2788-JWL-JPO*

*Trans Coastal Supply Company, Inc. v.
Syngenta) AG, et al, 2:14-cv-02637-JWL-
JPO*

*The Delong Co., Inc. v. Syngenta AG et
al., No. 2:17-cv-02614-JWL-JPO*

*Agribase International Inc. v. Syngenta
AG et al., No. 2:15-cv-02279-JWL-JPO*

ORDER REGARDING IRPA APPLICATIONS AND EXPENSE APPLICATIONS

Pursuant to the Court's Memorandum and Order of December 31, 2018, by which the Court determined the size of the IRPA pool and ordered the special master to file a further report and recommendation concerning awards for reimbursement of expenses (Doc. # 3882), any attorney who represented a settlement class claimant with respect to the claims covered by the settlement, prior to the preliminary approval of the settlement, and who was not included in any fee or expense application previously submitted is permitted to file a petition for an award from the IRPA pool or for an award of expenses by January 18, 2019.

This Order implements those decisions and sets forth requirements regarding *all* applications for an award from the IRPA pool and/or for an award of expenses. The Court now orders as follows:

Petitions for IRPA Pool Awards

1. Any attorney who represented a settlement class claimant with respect to the claims covered by the settlement, prior to the preliminary approval of the settlement on April 10, 2018, and who seeks an award from the IRPA pool, shall file in the Court, on or before **January 18, 2019**, a petition for an award from the IRPA pool, regardless of whether or not the attorney has previously been included in a petition for an award of fees for common benefit work. The petition should include a list of all claimants represented by that attorney and confirmation that the attorney has submitted to the Claims Administrator the IRPA pool information required, as set forth in paragraphs 2 and 3 below.

2. Each attorney applicant for an award from the IRPA pool shall also submit to the Claims Administrator via the applicant's Law Firm Portal on the Corn Seed Settlement Program website, on or before **January 18, 2019**, the Excel spreadsheet which will be posted on the page for this MDL on the Court's website and on the Corn Seed Settlement Program website. The form of this Excel spreadsheet is attached hereto as Exhibit A. Applicants shall list on such Excel spreadsheet the attorney making the petition for an award from the IRPA pool, each claimant represented by that attorney, and the unique claimant identification number assigned to each such claimant by the Claims Administrator (this includes the Letter (P, L, G, or E) and 9-digit number associated with the claimant's claim). If (and only if) the unique claimant identification number assigned to a claimant is not known, all digits of the claimant's Social Security Number or (if an entity) Tax Identification Number shall be included on the Excel

Spreadsheet submitted to the Claims Administrator. The Court is requiring completion and submission of this Excel spreadsheet with unique claimant identifying information to the Claims Administrator through the secure website portal to facilitate review of the submissions and calculation of the IRPA pool award for applicants.

3. The IRPA pool applicant must also submit to the Claims Administrator on or before **January 18, 2019**, a retainer agreement (or, if no retainer agreement exists, a power of attorney) for each claimant listed on the Excel spreadsheet. Applicants must submit retainer agreements or powers of attorney to the Claims Administrator electronically by uploading the documents to individual claims or through bulk upload via the applicant's Law Firm Portal following the instructions available on the Corn Seed Settlement Program website.

4. The Claims Administrator will retain the data submitted pursuant to paragraphs 2 and 3 as confidential and make it available only to the special master and Court in order to facilitate review of the submissions and calculation of the IRPA pool award for applicants.

Expense Petitions

5. Any attorney who is not included in an expense application previously submitted and who files a petition for an award or expenses on or before **January 18, 2019** shall complete and submit an Excel spreadsheet in the form attached hereto as **Exhibit B** (an electronic copy of which will be posted in Excel form on the page for this MDL on the Court's website). Each petitioner should (a) file (through ECF) a printout of its spreadsheet in PDF form and (b) submit an electronic copy of its spreadsheet in Excel Form by email to the special master.

6. Pursuant to the Court's Memorandum and Order of December 31, 2018 (Doc. # 3882), the standards and limitations contained at pages 12 through 14 of the Court's CBO of July 27, 2015 shall apply and govern the Court's determination of reasonable expenses that may be

reimbursed from the settlement fund. Accordingly, any attorney who previously submitted an expense application by the August 3, 2018 deadline and believes that revision of such expense application is appropriate to assure conformity to the standards and limitations contained at pages 12 through 14 of the Court's CBO of July 27, 2015 may file with the Court via ECF and submit to the special master a revised expense application, on or before **January 18, 2019**, that the attorney believes satisfies the Court's standards and limitations. Attorneys who submit a revised expense application may not include additional expenses not previously included in the expense application submitted by the August 3, 2018 deadline. Rather, it is the Court's expectation that a revised expense application would be filed only to reduce or remove expenses that were previously included in the application.

7. Pursuant to the Court's Memorandum and Order of December 31, 2018 (Doc. # 3882), the special master shall perform an additional review of expenses, and she may require the submission by applicants of supplemental documentation.

IT IS SO ORDERED.

Dated this 4th day of January, 2019, in Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge



GEN-03 **Claimant List provided by Firm**

Instructions
 1. Choose the name of your Law Firm from the drop-down list. If your Law Firm is not shown in the list, choose "Other Law Firm" from the list and type the name of your Law Firm in the "Other Law Firm" field.
 2. For each Claimant, you must provide the following information:
 a. Full Name or Business Name as shown on claim form.
 b. Claimant ID.
 c. If Claimant ID is not available, provide the Claimant's Tax ID Number.
 3. Submit an Excel copy of this spreadsheet to the Claims Administrator using your secure Law Firm Portal.

Law Firm					Other Law Firm		
Row	First Name	Middle Name	Last Name	Suffix	Business Name	Claimant ID	Tax ID Number
1.							
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EXPENSES PAID	Amount
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Common Benefit Assessment Fees	
Postage	
Photocopying	
Hotels	
Meals	
Mileage	
Air Travel	
Common Benefit Assessment Fees	
Court Fees	
Transcript Fees	
Ground Transportation	
Expert/Consulting Fees Not Included in Common Benefit	
Special Master Fees	
Miscellaneous (Describe)	
TOTAL	

Notes