



# Nuts and Bolts of the Syngenta Corn Settlement: A Discussion with Co-Lead Counsel

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# In re Syngenta Lawsuits

## *List of Cases*

- ***In re Syngenta AG MIR 162 Corn Litigation***, U.S.D.C., D. Kansas, MDL 2591;
- ***In re Syngenta Class Action Litigation***, 4<sup>th</sup> Judicial D.Ct., Hennepin County, MN;
- ***In re Syngenta Actions***, U.S.D.C., S.D. Ill.
- ***In re Syngenta Litigation***, First Jud. Circuit, Williamson County, Ill.
- **Multiple lawsuits filed by ethanol plants** in state courts of Ohio, Michigan, Nebraska, Indiana and Iowa

# In re Syngenta Lawsuits

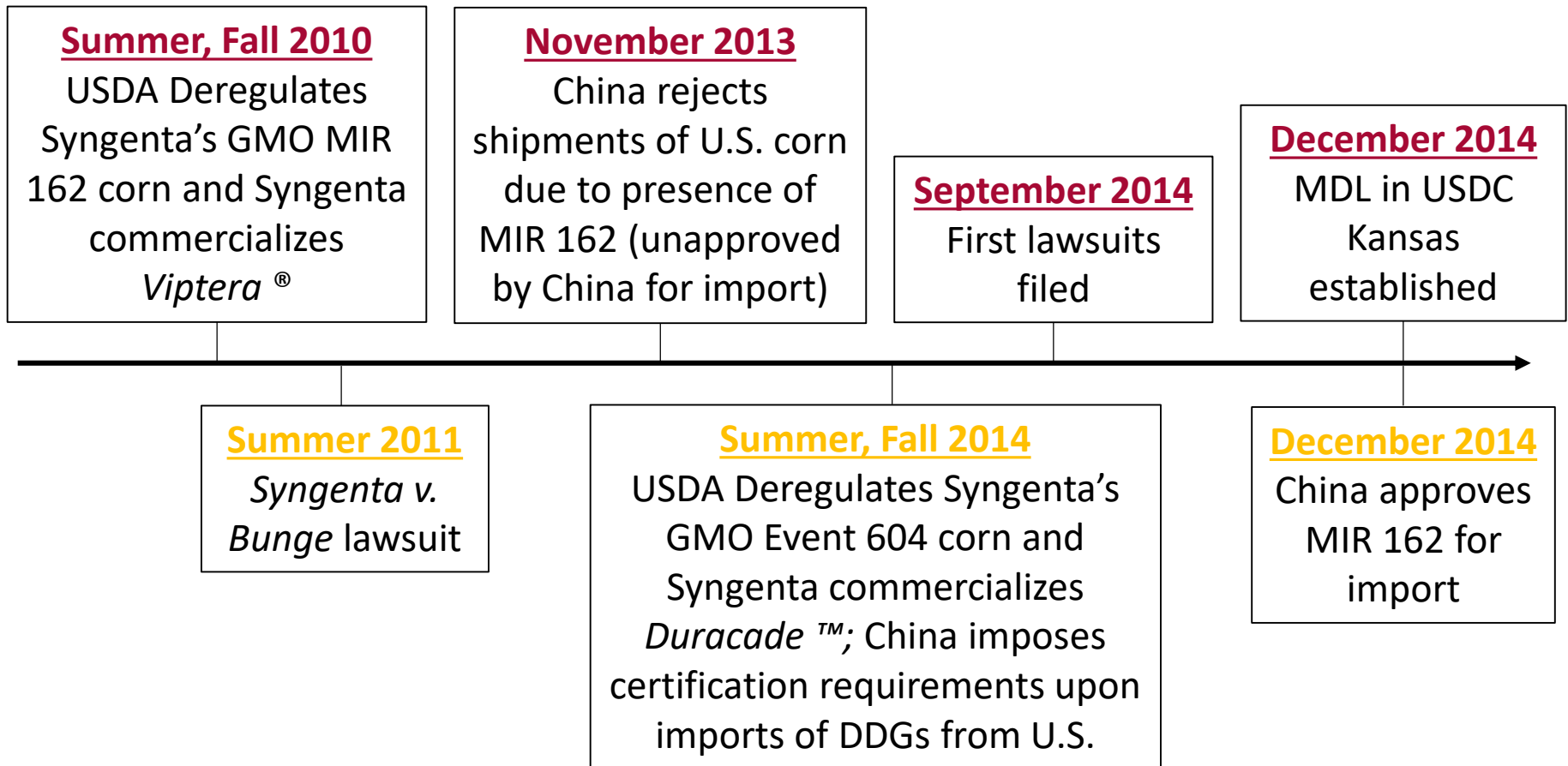
## *Claims and Defenses*

- **Plaintiffs generally alleged** that Syngenta prematurely commercialized and otherwise inappropriately marketed and sold Agrisure Viptera and/or Agrisure Duracade corn seed, causing contamination of the United States corn supply and significant disruption to the export of United States corn and corn products.
- **Syngenta denied** any and all claims and asserted various defenses which it believed to be meritorious.

# In re Syngenta Lawsuits

## *Timeline and Background:*

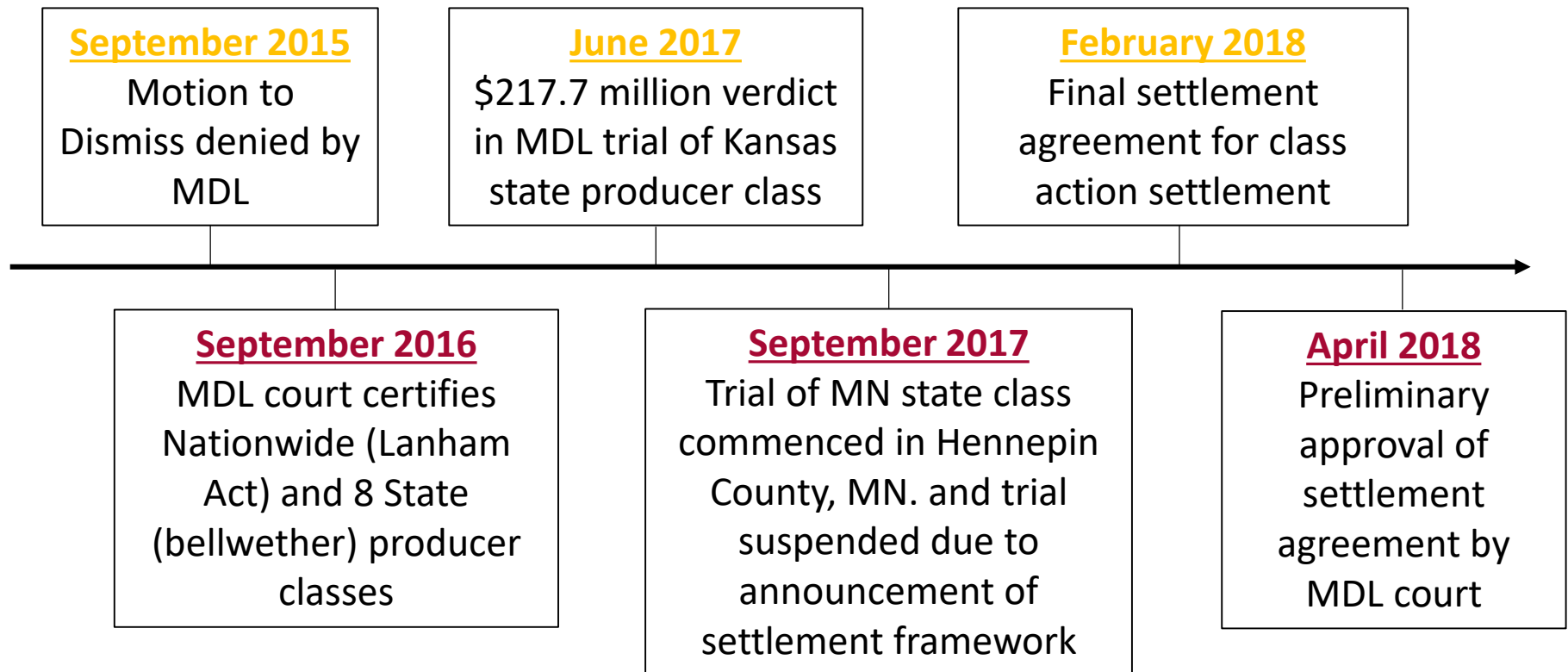
### *Commercialization through First Lawsuits*



# In re Syngenta Lawsuits

## *Timeline and Background:*

### *Commercialization through First Lawsuits*





# In re Syngenta Lawsuits *Settlement Summary*

- **Total Settlement Amount (the “Settlement Funds”):** \$1.51 billion
- **Class Definition:** “Any Person in the United States that during the Class Period owned any Interest in Corn in the United States priced for sale during the Class Period (September 15, 2013 through April 10, 2018),” who fall into one of four Subclasses –
  - Subclass 1, Producers who did not purchase *Viptera* or *Duracade*
  - Subclass 2, Producers who purchased *Viptera* or *Duracade*
  - Subclass 3, Grain Handling Facilities
  - Subclass 4, Ethanol Plants
- **Excluded Exporters:** Cargill, ADM, Dreyfus, Bunge, TransCoastal, Agribase, Gavilon, DeLong
- **Class Period:** September 15, 2013 through April 10, 2018
- **Settlement Administrator:** Brown Greer
- **Subclasses 1 and 2:** Estimated to exceed 600,000 and include owners, operators, landlords, waterlords, tenants or sharecroppers who are entitled to a share in the corn crop available for marketing during the Class Period.

# In re Syngenta Lawsuits

## *Dividing the Pie: Allocation of The Settlement Funds*

- **Subclass 1 (Producers who did not purchase Viptera or Duracade)**: All Settlement Funds not allocated to the other groups will be allocated to members of Subclass 1.
- **Subclass 2 (Producers who purchased Viptera or Duracade)**: (The total amount of Settlement Funds available to Subclass 2 is capped at \$22.6 million and the average per-bushel recovery for Subclass 2 members shall not exceed the average per-bushel recovery for Subclass 1 members.
- **Subclass 3 (Grain Handling Facilities)**: The total amount of Settlement Funds available to Subclass 3 is capped at \$29.9 million.
- **Subclass 4 (Ethanol Facilities)**: The total amount of Settlement Funds available to Subclass 3 is capped at \$19.5 million.

# In re Syngenta Lawsuits *Settlement Claim Forms*

- **Claims are required to participate.** In order to receive a portion the **Settlement Funds**, online or mail submissions of claims forms is required.
- **Calculation of Compensable Recovery Quantity.** Claim Forms authorize USDA to provide Producer FSA 578 data, or, if unavailable, RMA data, in order to calculate Compensable Recovery Quantity. If acreage not reported to FSA, information can be supplied.
- **Separate claims form required for each interest owner.**
- **Different forms for Producers, Grain Handling Facilities and Ethanol Facilities.**



# In re Syngenta Lawsuits *Settlement Deadlines*

- **Deadline to Object or Opt Out:** August 10, 2018
- **Deadline to File Claims:** October 12, 2018
- **Final Approval Hearing:** November 15, 2018
- **Payment:** Later of April 1, 2019 or 30 days after Final Approval Order

# In re Syngenta Lawsuits

## *Resources*

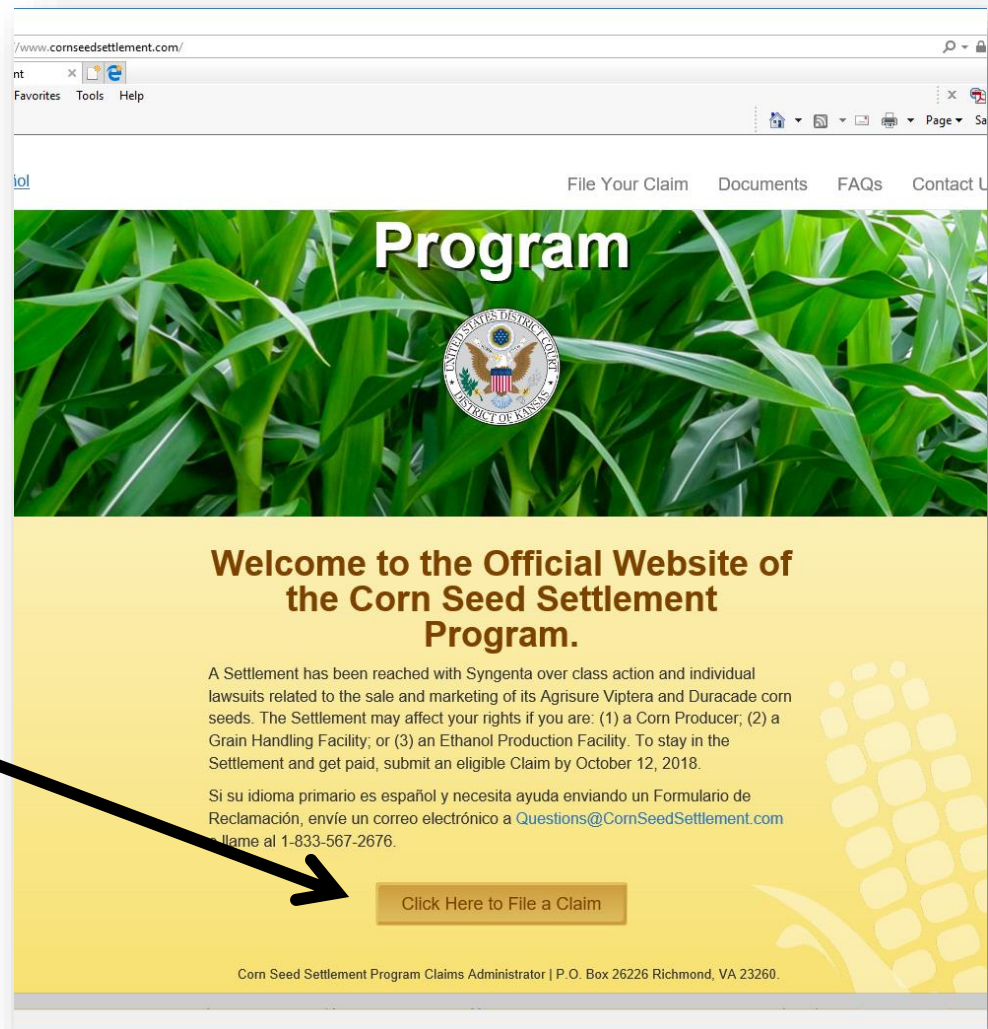
- **Official Claims Website** – [cornseedsettlement.com](http://cornseedsettlement.com)
- **Frequently Asked Questions**
- **Important Documents**



# Filing a Claim Online

The online claims form can be found on <https://www.cornseedsettlement.com/>

To begin the process, scroll down on the initial page and click “Click Here to File a Claim.”



# Filing a Claim Online

After clicking the “Click Here to File a Claim” button, your browser will direct you to the following screen.

Simply follow the prompts as directed to complete your claim online.

Filing your claim online is the quickest and most efficient way to submit a claim.

The screenshot shows a web browser window with the URL <https://www.cornseedsettlement.com/UserSearch.aspx>. The page features a navigation bar with a home icon, a language selector for "Español", and links for "File Your Claim", "Documents", "FAQs", "Contact Us", and "Login". Below the navigation is a green banner with the text "Corn Seed Settlement Program".

The main content area is yellow and contains the following text and form elements:

- A note: "\* Indicates required information."
- Section header: "Enter the following information to claim your settlement benefits:"
- Form field: "\*Social Security Number or Tax ID Number: ?" with radio buttons for "SSN" (selected) and "TIN". Below the field is a placeholder "\_\_\_-\_\_-\_\_\_\_" and the text "(This will be kept confidential.)".
- Form field: "\*Are you claiming as a Producer, Grain Handling Facility, or Ethanol Production Facility? ?" with radio buttons for "Producer", "Grain Handling Facility", and "Ethanol Production Facility".
- Text: "Type the code shown to let us know you are a human. This code is not case sensitive:"
- Form field: A text input box followed by a box containing the code "D9D7H".
- Buttons: "Cancel" and "Next".

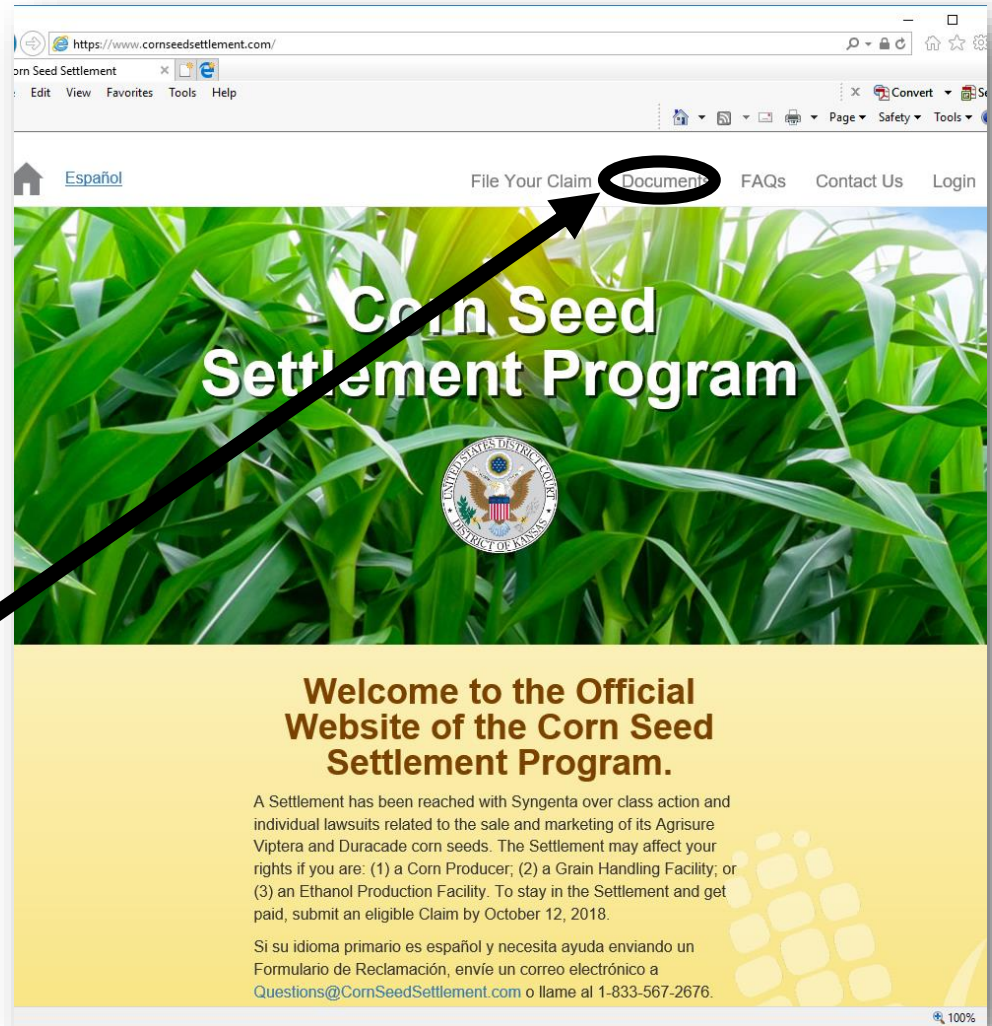
At the bottom of the page, there is contact information: "Corn Seed Settlement Program Claims Administrator | P.O. Box 26226 Richmond, VA 23260." and "If you need assistance, please email [Questions@CornSeedSettlement.com](mailto:Questions@CornSeedSettlement.com) or call 1-833-567-CORN (2676)." Below this, there is a line of text in Spanish: "idioma primario es español y necesita ayuda enviando un Formulario de Reclamación, envíe un correo electrónico a [Questions@CornSeedSettlement.com](mailto:Questions@CornSeedSettlement.com) o llame al 1-833-567-CORN (2676)." The browser's status bar at the bottom right shows "100%".

# Filing a Claim by Mail

Class Members may also complete a Claim Form by hand and submit it via mail.

Mail-in Claim Forms can also be found on <https://www.cornseedsettlement.com>

Simply navigate your browser to the above website and click on “Documents.”

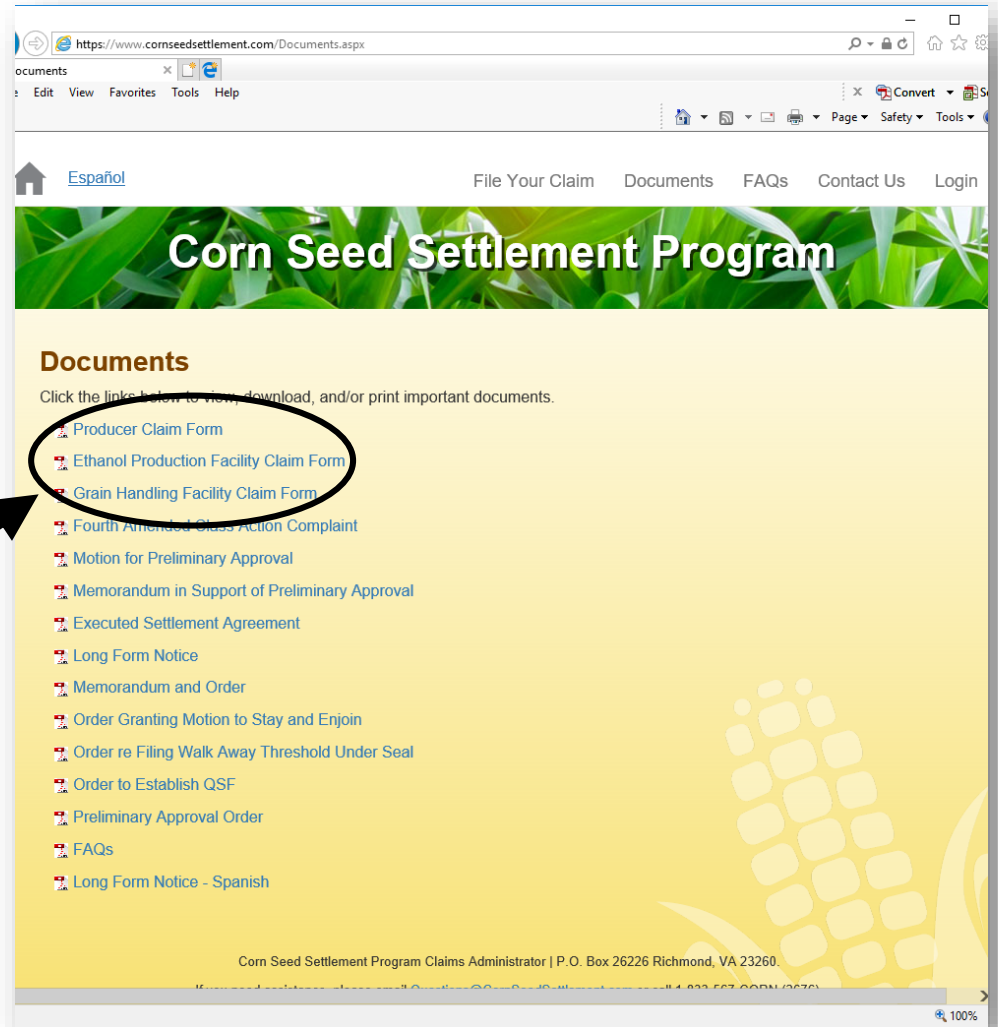




# Filing a Claim by Mail

On the next page, the first three options listed are the mail in claim forms.

Simply click on the appropriate form and print!



The screenshot shows a web browser window with the URL <https://www.cornseedsettlement.com/Documents.aspx>. The page title is "Corn Seed Settlement Program" and the page content is under the heading "Documents". A list of documents is displayed, with the first three items circled in red: "Producer Claim Form", "Ethanol Production Facility Claim Form", and "Grain Handling Facility Claim Form". A large black arrow points from the text on the left to the "Ethanol Production Facility Claim Form" link. The page also includes a navigation menu with "Español", "File Your Claim", "Documents", "FAQs", "Contact Us", and "Login". The footer contains the text "Corn Seed Settlement Program Claims Administrator | P.O. Box 26226 Richmond, VA 23260." and a search bar.

Documents

Click the links below to view, download, and/or print important documents.

- [Producer Claim Form](#)
- [Ethanol Production Facility Claim Form](#)
- [Grain Handling Facility Claim Form](#)
- [Fourth Amended Class Action Complaint](#)
- [Motion for Preliminary Approval](#)
- [Memorandum in Support of Preliminary Approval](#)
- [Executed Settlement Agreement](#)
- [Long Form Notice](#)
- [Memorandum and Order](#)
- [Order Granting Motion to Stay and Enjoin](#)
- [Order re Filing Walk Away Threshold Under Seal](#)
- [Order to Establish QSF](#)
- [Preliminary Approval Order](#)
- [FAQs](#)
- [Long Form Notice - Spanish](#)

Corn Seed Settlement Program Claims Administrator | P.O. Box 26226 Richmond, VA 23260.



# Filing a Claim by Mail

Your form will look like this. This is the Producer Form; the Ethanol Production and Grain Handling forms will vary slightly.

Be sure to complete all pages of the selected form and sign the completed form before mailing.

Once completed, mail your form to:

**Corn Seed Settlement Program  
Claims Administrator  
P.O. Box 26226  
Richmond, VA 23260**

CF-01					PRODUCER CLAIM FORM				
<p>Complete this Producer Claim Form if you are a farmer, renter, owner or landlord of a farm and had an interest in Corn produced in the United States that was priced for sale from September 15, 2013 to April 10, 2018.</p> <p>This Claim Form and Consent Authorization will be solely used by the Claims Administrator to process claims under the Syngenta Corn Seed Settlement Program ("the Settlement") and to get information from the FSA to process these claims. You can submit an electronic Claim Form in just a few quick and easy steps on the settlement website at <a href="http://www.CornSeedSettlement.com">www.CornSeedSettlement.com</a>. The online filing system is quicker, more efficient, has online help and will ask you only those questions required for your claim. If you cannot submit your claim online, complete, sign, and return this Claim Form to:</p> <p style="text-align: center;">Corn Seed Settlement Program Claims Administrator, P.O. Box 26226, Richmond, VA 23260.</p>									
I. Producer Information									
<p>Use the mailing address where you typically receive mail and are most likely to timely receive notices from the Claims Administrator. Do not use the address of the farm that is the subject of this Claim Form if it is not where you typically receive mail. If you are the Representative Claimant of a Producer (see Section III) use your mailing address instead of the address of the Producer. It is your responsibility to ensure that your current contact information is on file with the Claims Administrator at all times and you must promptly update your address if you move.</p>									
<b>Producer Information</b>		First		Middle		Last		Suffix	
		Farm or Business Name (if applicable)							
<b>Mailing Address</b> (not the farm location)		Street Address 1							
		Street Address 2							
		City				State/Province			
		Zip Code/Postal Code				Country			
<b>Social Security Number or Tax ID Number for this Producer</b>									
<b>Email Address</b>									
<b>Phone Number</b>									
<b>Choose your preferred method of written communication</b> (choose all that apply):							<input type="checkbox"/> Email <input type="checkbox"/> U.S. Mail		
1-833-567-CORN (2676)					www.CornSeedSettlement.com			Page 1 of 5	

# Corn Seed Settlement Program



CF-01

## PRODUCER CLAIM FORM

Complete this Producer Claim Form if you are a farmer, renter, owner or landlord of a farm and had an interest in Corn produced in the United States that was priced for sale from September 15, 2013 to April 10, 2018.

This Claim Form and Consent Authorization will be solely used by the Claims Administrator to process claims under the Syngenta Corn Seed Settlement Program ("the Settlement") and to get information from the FSA to process these claims. You can submit an electronic Claim Form in just a few quick and easy steps on the settlement website at [www.CornSeedSettlement.com](http://www.CornSeedSettlement.com). The online filing system is quicker, more efficient, has online help and will ask you only those questions required for your claim. If you cannot submit your claim online, complete, sign, and return this Claim Form to:

Corn Seed Settlement Program Claims Administrator, P.O. Box 26226, Richmond, VA 23260.

### I. Producer Information

Use the mailing address where you typically receive mail and are most likely to timely receive notices from the Claims Administrator. Do not use the address of the farm that is the subject of this Claim Form if it is not where you typically receive mail. If you are the Representative Claimant of a Producer (see Section III) use your mailing address instead of the address of the Producer. It is your responsibility to ensure that your current contact information is on file with the Claims Administrator at all times and you must promptly update your address if you move.

<b>Producer Information</b>	First	Middle	Last	Suffix
	Farm or Business Name (if applicable)			
<b>Mailing Address</b> (not the farm location)	Street Address 1			
	Street Address 2			
	City		State/Province	
	Zip Code/Postal Code		Country	
<b>Social Security Number or Tax ID Number for this Producer</b>				
<b>Email Address</b>				
<b>Phone Number</b>				
<b>Choose your preferred method of written communication</b> (choose all that apply):		<input type="checkbox"/> Email <input type="checkbox"/> U.S. Mail		

1-833-567-CORN (2676)

[www.CornSeedSettlement.com](http://www.CornSeedSettlement.com)

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**II. USDA/FSA Consent and Authorization**

The claims process ordered by the Court is designed to compensate eligible Corn Producers using government data including FSA-578 and/or Crop Insurance (RMA) data. By signing this section, I hereby formally request and authorize the USDA/FSA and USDA/RMA to promptly produce to the Claims Administrator electronic copies of the complete, unabridged contents of my FSA-578 forms and any crop insurance data (RMA) in connection with the acres I planted Corn in any and all of Marketing Years 2013-18. This information will be kept confidential and secure, used only for the purpose of determining your settlement payment, and destroyed at the conclusion of this Settlement.

<b>Producer Signature</b>			<b>Date</b>	<input type="text"/> / <input type="text"/> / <input type="text"/> (Month) (Day) (Year)
<b>Printed Name</b>	First <input type="text"/>	Middle <input type="text"/>	Last <input type="text"/>	

**III. Representative Claimant Information**

If you are a Representative Claimant (someone authorized by law or court order to file a claim on behalf of another person), complete this section. Provide the documentation that grants you the authority to submit this claim on behalf of the Producer. This documentation could be a court order, power of attorney, will, or other legally binding document. Your lawyer cannot sign and submit the Claim Form for you. If you are NOT a Representative Claimant, skip this section and go to Section IV.

<b>Is the individual for whom you are acting deceased, minor or legally incapacitated or incompetent?</b>	<input type="checkbox"/> Deceased	<input type="checkbox"/> Minor		
	<input type="checkbox"/> Legally Incapacitated or Incompetent			
	<input type="checkbox"/> Other (Specify) <input type="text"/>			
<b>Relationship to Producer</b>	<input type="checkbox"/> Spouse	<input type="checkbox"/> Parent	<input type="checkbox"/> Child	<input type="checkbox"/> Sibling
	<input type="checkbox"/> Administrator	<input type="checkbox"/> Executor		
	<input type="checkbox"/> Other (Specify) <input type="text"/>			
<b>Representative Claimant Name</b>	First <input type="text"/>	Middle <input type="text"/>	Last <input type="text"/>	
<b>Social Security Number or Tax ID Number</b>	<input type="text"/>			

By signing the Declaration in Section VII of this Claim Form, I certify that I have legal authority to file this claim on behalf of the individual identified in Section I.

#### IV. Attorney and Law Firm Information

If you hired a lawyer to file a lawsuit against Syngenta, identify your lawyer below. If you have not hired a lawyer, skip to Section V. You do not need a lawyer to make a claim.

<b>Firm Name</b>				
<b>Contact Person</b>	First	Middle	Last	Suffix
<b>Mailing Address</b>	Street Address 1			
	Street Address 2			
	City	State	Zip Code	
<b>Email Address</b>				
<b>Phone Number</b>				

#### V. Corn Acreage Information

1. **Acreage Reported to the USDA.** For each of the years that you planted Corn in Marketing Years 2013-14 through 2016-17, did you report all of (or if you are a landlord did the renter(s) report your share in) your Corn acreage to the USDA on the FSA-578 form?

- YES  
 NO

2. **2017-18 Acreage.** Do you plan to report all of (or if you are a landlord will the renter(s) report your share in) your Corn acreage to the USDA on the FSA-578 form for Marketing Year 2017-18?

- YES, I have already reported my acreage to the USDA on the FSA-578 form.  
 YES, I will report my acreage to the USDA on the FSA-578 form by 7/31/18.  
 NO, I will not report my acreage to the USDA on the FSA-578 form.  
 NO, I did not farm Corn in 2017-18.

3. **Crop Insurance.** For all Marketing Years for which your Corn acreage was not reported to the USDA on the FSA-578 form, did you (or if you are a landlord did the renter(s)) obtain crop insurance from an agency to which you reported your acreage?

- YES, I obtained crop insurance for all acreage not reported on the FSA-578 form.  
 NO, I did not obtain crop insurance for all acreage not reported on the FSA-578 form.  
 N/A, I reported all acreage on the FSA-578 form.

Skip to Section VI if, for all Corn acreage in Marketing Years 2013-18, you either: (1) reported the acreage on the FSA-578 form; or (2) obtained crop insurance. Otherwise, continue to Question 4.

**4. Landlord Information.** Are you making this claim as a landlord who has a financial interest in the sale of Corn? If Yes, you qualify to make a claim under this Settlement.

A landlord or other Person who receives only a fixed cash payment for renting the land that did not vary with the type, size of, or price of the Corn crop does not qualify to make a claim under this Settlement.

- YES, I am a landlord who has financial interest in the sale of Corn.
- NO, I am a landlord who receives only a fixed cash payment for renting the land.
- NO, I am not a landlord, I am a farmer.

If you answered YES, you must attach to this Claim Form a copy of the leasing agreement showing that you have a financial interest in the sale of Corn.

**5. Corn Acreage Not Reported to the USDA FSA.** You must complete the following information regarding your total Corn farming operations for all Marketing Years 2013-18.

Each CLU field number must be listed separately. **Only report Corn acreage.** If you need to list more than ten field numbers, copy page 4 to provide the additional information and attach it to this Claim Form.

Marketing Year	Farm Number	Tract Number	CLU Field Number	Corn Acreage	Producer Share	Acres Grown for Silage	Failed Acreage (Did Not Harvest)	Renting Producer Name (Landlords only)	County and State
2016-17	4925	23	2	14.25	0.2500	2.00	5.00	Stevenson Family Trust LLC	Autauga, AL



**VI. Information About Your Farming Operations**

All Producers must provide the following information regarding the disposition of harvested Corn for each Marketing Year during the Class Period for all farming operations.

**1. Disposition of harvested Corn:** To the best of your knowledge, for each Marketing Year, state the **percentage** of harvested Corn which was "fed on farm" and not sold.

(If all the 2017-18 crop has not been disposed, state the percentage you expect to "feed on farm" and not market.)

2013-14	2014-15	2015-16	2016-17	2017-18
%	%	%	%	%

**2. Agrisure Viptera (MIR162) or Agrisure Duracade (Event 5307) Purchases:** To the best of your knowledge, did you or your renter purchase corn seed containing Agrisure Viptera (MIR162) or Agrisure Duracade (Event 5307) and plant corn seed containing Agrisure Viptera (MIR162) or Agrisure Duracade (Event 5307) on any Corn acres between September 15, 2013 and April 10, 2018?

YES

NO

**VII. Declaration and Signature**

By signing this form:

- I declare that I am the Producer (or Representative Claimant) entitled and/or authorized to make claims for the bushels listed in this Claim Form, and that no other person or entity has made claims for my share in the bushels listed in this Claim Form to the best of my knowledge. If the Producer is a business or other legal entity, I certify that I am authorized to act on behalf of the Producer submitting this Claim Form.
- I understand that by my signature I hereby formally request and authorize the USDA/FSA and USDA/RMA to promptly produce to the Claims Administrator electronic copies of the complete, unabridged contents of my FSA-578 forms and any crop insurance data (RMA) in connection with the acres I planted Corn in any and all of Marketing Years 2013-18.
- I declare under penalty of perjury that the foregoing information in this Claim Form and contained in my supporting documents is true and correct. I understand that my Claim Form and supporting documents may be subject to audit, verification, and review.

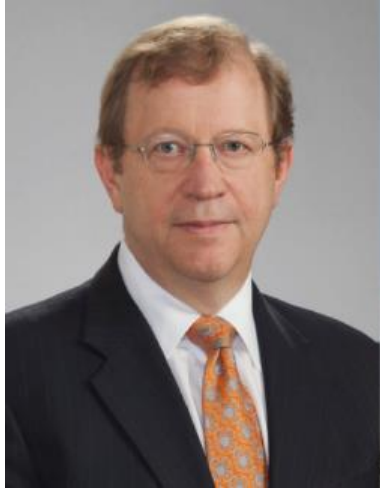
<b>Producer Signature</b> (or Representative Signature)				<b>Date</b>	-- / -- /----
	First	Middle	Last	Suffix	(Month) (Day) (Year)
<b>Printed Name</b>					
<b>Title</b> (if applicable)					

**If you grew Corn under any other Social Security Number or Tax ID Number, complete another Producer Claim Form for that identified Producer.  
Any person with a share in the Corn reported (including qualified landlords) must submit their own claim.**





# Thank you!



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**SyngentaCornLitigation.com**