
Motion for Preliminary Approval for a \$1.51 Billion Settlement Filed in Syngenta Corn Nationwide Class Action Lawsuit

March 16, 2018

On March 12, 2018, plaintiffs in the litigation against Syngenta related to its marketing and commercialization of Agrisure Viptera and Agrisure Duracade corn seeds, filed a motion for preliminary approval of a settlement with Syngenta before the Honorable John W. Lungstrum, a United States District Court Judge in the District of Kansas (MDL no. 2591).

A preliminary settlement framework with Syngenta was reached in September 2017 and the settlement was finalized on February 23, 2018. The terms of the settlement were agreed upon only after years of hard fought litigation and negotiations between Syngenta and various plaintiff groups. If the settlement is approved, Syngenta will contribute \$1.51 billion to a settlement fund that would be used to make payments to be allocated among eligible corn farmers, grain handling facilities and ethanol production facilities who fall within the settlement class and to cover the costs of administering the settlement, including any court-approved award of fees to plaintiffs' counsel, in exchange for a classwide release of all claims against Syngenta related to the launch of Agrisure Viptera and Agrisure Duracade. The \$1.51 billion settlement will resolve thousands of pending cases against Syngenta. The settlement does not constitute an admission by either side concerning the merits of the parties' allegations and defenses.

If preliminary approval is granted, plaintiffs' lawyers will begin notifying potential claimants about the settlement and how to submit a claim for compensation. The amount received by any individual claimant will vary depending on the individual claimant's farming, grain handling, or ethanol production operations and will be determined through a claims process.

Plaintiffs are pleased with the settlement and look forward to the Court granting preliminary approval so next steps can be communicated to corn farmers and others eligible for compensation.

The litigation before Judge Lungstrum has been led by four lawyers who were appointed Co-Lead and Class Counsel by the Court – [William Chaney of Gray Reed & McGraw LLP](#), Patrick Stueve of Stueve Siegel Hanson LLP, Don Downing of Gray, Ritter & Graham, P.C., and Scott Powell of Hare Wynn Newell & Newton. The four co-lead plaintiff's counsel in the nationwide class action lawsuit also represented more than 7,000 Kansas farmers in the first and only state class action lawsuit to be tried to a verdict. In June 2017, a Kansas jury returned a \$217.7 million verdict in favor of the Kansas grown growers.

Who is Covered Under this Syngenta Corn Class Settlement?



All corn growers, grain handling facilities and ethanol plants across the country – as defined in the settlement and who choose to stay in the settlement – are covered by this settlement, including any U.S. farmers who opted out of previous Syngenta litigation.

However, all class members must submit a claim form to receive settlement funds.

Next Steps

If preliminary approved, the settlement terms and claims process information will be set forth in notices mailed to class members and published in various media outlets across the country, as well as in a settlement website.

Members of the class then will have a period of time to submit a claim form, opt out of the settlement, or object to the terms of the agreement.

Judge Lungstrum then will decide on whether to finally approve the \$1.51 billion settlement. If the settlement is ultimately approved, it is anticipated that funds could be distributed to class members in the first half of 2019.