

CORN SEED SETTLEMENT PROGRAM CLAIMS PROCESSING PROCEDURE			
Number	CPP-2	Effective Date	8/13/18
Subject	Opt-Out Requests and Revocations		

**1. *Defined Terms.*** All capitalized terms used and not expressly defined in this Claims Processing Procedure (“CPP”) shall have the meanings attributed to them in the Agrisure Viptera/Duracade Class Settlement Agreement, executed on February 26<sup>th</sup>, 2018 (“Settlement Agreement”).

**2. *Purpose of this CPP.*** Section 4.3 of the Settlement Agreement establishes the authority for Class Members to submit a request to the Claims Administrator to elect to opt out of the Settlement (“Opt-Out Request”) and to revoke an Opt-Out Request (“Revocation”). This CPP establishes: (1) the method by which Class Members must submit Opt-Out Requests and Revocations to the Claims Administrator; (2) the process by which the Claims Administrator shall review Opt-Out Requests and Revocations and make initial reports to the Parties; (3) how the Claims Administrator shall handle Claim Forms submitted by Class Members who have previously submitted Opt-Out Requests; (4) the format and frequency of initial reports to the Parties; (5) the deadline to present the final Opt-Out List; and (6) how the Claims Administrator shall communicate with Class Members who have submitted Opt-Out Requests and Revocations.

**3. *How Class Members Can Submit Opt-Out Requests and Revocations.*** Section 4.3.1 of the Settlement Agreement states that if a Class Members wishes to opt out of the Settlement, he or she must do so in writing by mailing a request to the Claims Administrator. Additionally, Section 4.3.5 of the Settlement Agreement requires that any Class Member choosing to rescind his or her decision to opt out of the Settlement must do so by submitting a Revocation, in writing, to the Claims Administrator. In compliance with these requirements of the Settlement Agreement, the Claims Administrator shall only accept Opt-Out Requests and Revocations submitted by United States Mail or delivery by courier. The Claims Administrator shall not accept Opt-Out Requests or Revocations submitted by email or fax.

**4. *Opt-Out Request and Revocation Review and Initial Reporting Process.***

**(a) *Intake.*** The Claims Administrator shall review all documents submitted by United States Mail or courier and identify Opt-Out Requests and Revocations; the Claims Administrator shall electronically store these documents in the Corn Seed Settlement Program Review Portal (“Portal”) and label these documents so that they can be identified appropriately.

**(b) *Review of Opt-Out Requests and Revocations.*** The Claims Administrator shall place the electronic images of all Out Requests and Revocations in an online queue in the Portal where these documents can be reviewed. The Claims Administrator shall review all information provided in these Opt-Out Requests and Revocations and compare it to the information required in Settlement Agreement Sections 4.3.2 and 4.3.5.

(c) ***Initial Determinations on Opt-Out Requests and Revocations.*** The Claims Administrator shall circulate initial opt-out reports to the Parties on a weekly basis (or some other schedule if requested by the Parties). These reports shall contain initial determinations on all Opt-Out Requests and Revocations the Claims Administrator has reviewed.

(1) ***Opt-Out Requests.*** On initial opt-out reports, the Claims Administrator shall categorize as complete an Opt-Out Request that: (a) contains all required information listed in Settlement Agreement Section 4.3.2; (b) is sent to the Claims Administrator by United States Mail or courier; and (c) is postmarked by the Opt-Out Deadline. The Claims Administrator shall categorize an Opt-Out Request as incomplete if it does not meet these requirements.

(2) ***Revocations.*** On initial opt-out reports, the Claims Administrator shall categorize as complete a Revocation that: (a) contains all required information listed in Settlement Agreement Section 4.3.5; (b) is sent to the Claims Administrator by United States Mail or courier; and (c) is postmarked by the Opt-Out Deadline. The Claims Administrator shall categorize a Revocation as incomplete if it does not meet these requirements. The Claims Administrator shall not consider a Revocation postmarked before a later-postmarked Opt-Out Request to be complete.

**5. *Representatives Submitting an Opt-Out Request on Behalf of a Class Member.***

- (a) Settlement Agreement section 4.3.2 allows “any natural person who can legally bind the Class Member” (excluding attorneys engaged to represent the Class Member in litigation against Syngenta) to sign an Opt-Out Request on behalf of a Class Member who is “a minor, incapacitated, incompetent or deceased person, or not a natural person.”
- (b) Consistent with the claim filing process, the Corn Seed Settlement Program requires that the person provide evidence that he/she is authorized to “legally bind the Class Member” when an Opt-Out Request indicates that it was submitted by a representative of the Class Member who is “a minor, incapacitated, incompetent or deceased person.” The Claims Administrator will establish and submit to the Court a procedure identifying documents sufficient to prove representative capacity.
- (c) Consistent with the claim filing process, the Corn Seed Settlement Program does not require that the person provide documentary evidence that he/she is authorized to “legally bind the Class Member” when an Opt-Out Request indicates that it was submitted by a representative of the Class Member who is “not a natural person.”

**6. *Effect of Filing a Claim Form After Submitting an Opt-Out Request.*** A Class Member may not revoke his or her Opt-Out Request by filing a Claim Form after submission of an Opt-Out Request. A Class Member must submit a separate, written Revocation which must comply with the requirements for a Revocation as set forth in this CPP. If a Class Member submits an Opt-Out Request and later submits a Claim Form, the Claims Administrator shall process the Claim Form as follows, pending the Court’s ruling on Opt-Out Requests:

- (a) The Claims Administrator shall allow the Class Member to complete a Claim Form through the Portal or submit a hard copy Claim Form.
- (b) The Claims Administrator shall process the Claim Form as it would any other Claim Form.
- (c) The Claims Administrator shall send a Notice of Rejection to the Class Member that includes:
  - (1) An acknowledgment of receipt of both the Claim Form and the Opt-Out Request;
  - (2) A list of any deficiencies in his or her Claim Form; and
  - (3) A statement that the Court shall decide the status of the Class Member's Opt-Out Request and Claim.

**7. Final Reporting on Opt-Out Requests and Revocations Received by the Claims Administrator.** The Claims Administrator shall present the final Opt-Out List to the Parties by 9/10/18.

**8. Communicating with Class Members.**

- (a) Except when submitted by representatives of a Class Member, the Claims Administrator shall not issue notices to Class Members who have submitted Opt-Out Requests or Revocations advising them on the status of those submissions.
- (b) If a representative submits an Opt-Out Request on behalf of a Class Member, and the request does not include documents sufficient to prove representative status, the Claims Administrator shall issue a notice informing the representative of the documentation needed to prove his/her status.
- (c) If a Class Member calls the Settlement Program Communication Center inquiring about the status of his or her Opt-Out Request or Revocation, the Claims Administrator may share the following information:
  - (1) If the Claims Administrator has received an Opt-Out Request or Revocation from the Class Member;
  - (2) The requirements of a complete Opt-Out Request or Revocation, as listed in Sections 4.3.1 and 4.3.5 of the Settlement Agreement; and
  - (3) Which of those requirements are met by the Class Member's Opt-Out Request or Revocation, based on the Claims Administrator's initial review.

**9.      *Duration of this CPP.*** This CPP shall apply to all Class Members and may be modified, overruled, replaced or terminated by Order of the United States District Court for the District of Kansas.