



Corn Seed Settlement Program

FREQUENTLY ASKED QUESTIONS (AS OF SEPTEMBER 19, 2018)

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A. Basic Information

1. What is this Settlement about?

In 2010, Syngenta began selling a genetically modified corn seed with the brand name “Agrisure Viptera” (also called just “Viptera”), which included a new insect-resistant genetic trait called “MIR 162.” In 2013, Syngenta began selling another genetically modified corn seed brand-named “Agrisure Duracade,” (also called just “Duracade”), which included both the MIR 162 trait and a new insect-resistant trait known as “Event 5307.”

Corn Producers, Ethanol Production Facilities, and Grain Handling Facilities filed lawsuits against Syngenta claiming that Syngenta sold Viptera and Duracade corn seed before it should have because the MIR 162 and Event 5307 genetically modified traits contained in those seeds had not yet received import approval in China. The lawsuits argue that Syngenta should have waited to sell those seeds until it had obtained import approval in China and that Syngenta did not take reasonable steps to ensure that the seed was sold in a manner that corn harvested from Viptera and Duracade seed did not contaminate portions of the United States (“U.S.”) corn supply exported to China. The lawsuits claimed that China began rejecting shipments of U.S. corn after allegedly detecting Viptera traits in shipments from the U.S., causing the U.S. corn industry to lose access to the Chinese market and resulting in lower corn prices.

Syngenta denies that it did anything wrong, in part because before Viptera and Duracade were made available to U.S. farmers, the traits in those products were approved as safe and effective by the U.S. Department of Agriculture, the U.S. Food and Drug Administration, the U.S. Environmental Protection Agency and all of the historical U.S. trading partners for corn. Syngenta argues that China historically was not a reliable and consistent importer of U.S. corn when the company launched Viptera and Duracade, and that in any event it was exporters—not Syngenta—that sent U.S. corn to China knowing that Viptera and Duracade were not yet approved there. Syngenta also states that the price drop in corn in 2013 was not the result of China’s rejection of U. S. corn, but rather was the product of a worldwide bumper crop of corn. Both the MIR 162 and Event 5307 traits now *do* have Chinese approval.

2. Why are the lawsuits class actions?

In a class action, one or more people, called Class Representatives, sue on behalf of people who have similar claims. The Class Representatives, called the “Representative Plaintiffs” in the Settlement Agreement, include Corn Producers who did and did not purchase and plant Viptera or Duracade, Grain Handling Facilities, and Ethanol Production Facilities. The names of the Representative Plaintiffs are available on the Settlement Website, www.CornSeedSettlement.com. The group of people they sue on behalf of is called a “Class,” and the individual people or

companies in that Class are called “Class Members.” The Kansas Federal Court will decide if this case should be a class action for purposes of the Settlement. If it does, the Kansas Federal Court will resolve the issues for all Class Members, except for those who exclude themselves from the Class.

3. Why is there a Settlement?

No court has decided that either Plaintiffs or Defendants are right or wrong. A jury in the Kansas litigation found Syngenta negligent and awarded damages to a class of Kansas corn producers, but Syngenta asked the Kansas Federal Court to reject the jury’s decision. At the time of Settlement, the Kansas Federal Court had not yet ruled on Syngenta’s request, and even if the judge had accepted the jury’s decision, Syngenta would have appealed. Plaintiffs in that case also would have appealed the claims on which Syngenta won. A Minnesota class jury trial had begun and, after three weeks of testimony and prior to a jury verdict, the parties agreed to this Settlement. Finally, the claims of classes of Corn Producers and individual Corn Producers in several other states, of Grain Handling Facilities, and of Ethanol Production Facilities, which all had been filed in the Kansas Federal Court and other courts, were advancing toward their own trials as well.

Both sides have now agreed to a settlement, which is an agreement between a plaintiff and a defendant to resolve a lawsuit. That way, they avoid the costs of further trials and appeals, and the people affected will receive compensation. A settlement resolves those issues and makes money available sooner to those claiming injury. The Class Representatives and their attorneys believe that this Settlement is in the best interests of everyone concerned. Although no cases have been tried by Grain Handling Facilities or Ethanol Production Facilities, this Settlement also makes money available to them.

The Settlement does not mean that the Plaintiffs or Defendants admit that any of the other side’s claims or arguments are right.

4. Am I part of the Settlement Class?

You are a member of the Settlement Class certified by the Kansas Federal Court if you are a Corn Producer, a Grain Handling Facility, or an Ethanol Production Facility that fits into one of the definitions below, even if you have already filed your own lawsuit against Syngenta. You will see references to “Corn” with a capital “C” which, in the context of this Settlement, means corn produced in the United States, and/or dried distillers’ grains (“DDGs”) produced from that corn by Ethanol Production Facilities as a byproduct of ethanol production, priced for sale after September 15, 2013. For purposes of this Settlement:

- (a) **Corn Producers.** A “Corn Producer” is any owner, operator, landlord, waterlord, tenant, or sharecropper who shares in the risk of producing Corn and who is entitled to share in the Corn crop available for marketing between September 15, 2013 and April 10, 2018. A landlord who receives a variable rent payable based on a share of the Corn crop or proceeds from the sale of Corn is a Corn Producer. A landlord who receives only a fixed cash amount for renting the land that does not vary with the size of, or pricing for, the Corn crop is not a Corn Producer. This Settlement affects Corn Producers in the U.S. with an interest in U.S. corn priced for sale between September 15, 2013 and April 10, 2018.

(b) Grain Handling Facility. A “Grain Handling Facility” is any grain elevator, grain distributor, grain transporter, or any other entity in the U.S. that, between September 15, 2013 and April 10, 2018, (a) purchased Corn and then priced Corn in the United States for sale between September 15, 2013 and April 10, 2018; and/or (b) purchased Corn and then transported, stored or otherwise handled Corn that was priced for sale between September 15, 2013 and April 10, 2018. This settlement affects Grain Handling Facilities with an interest in U.S. corn priced for sale between September 15, 2013 and April 10, 2018.

(c) Ethanol Production Facility. An “Ethanol Production Facility” is any ethanol plant, biorefinery, or other entity in the U.S. that, between September 15, 2013 and April 10, 2018, produced or purchased DDGs in the United States and priced those DDGs for sale. This settlement affects Ethanol Production Facilities with an interest in U.S. Corn priced for sale between September 15, 2013 and April 10, 2018.

Excluded from the Settlement Class are the following: (a) the Court and its officers, employees, appointees, and relatives; (b) Syngenta and its affiliates, subsidiaries, officers, directors, employees, contractors, agents, and representatives; (c) all plaintiffs’ counsel in the MDL Actions or the Related Actions; (d) government entities; (e) those opting out of the Settlement; and (f) the Archer Daniels Midland Company, Bunge North America, Inc., Cargill, Incorporated, Cargill, International SA, Louis Dreyfus Company, BV, Louis Dreyfus Company, LLC, Louis Dreyfus Company Grains Merchandising, LLC, Gavilon Grain, LLC, Trans Coastal Supply Company, Inc., Agribase International Inc., and the DeLong Co. Inc. (and all affiliates).

5. Am I part of the Settlement Class if I bought Viptera or Duracade?

Yes. The Settlement includes both Corn Producers who did and did not purchase and plant Syngenta’s Viptera and/or Duracade seeds. Whether an eligible Corn Producer purchased and planted Viptera and/or Duracade affects the amount that the Corn Producer will be paid in this Settlement.

6. Am I part of the Settlement Class even if I have already filed my own lawsuit?

Yes. Even if you have already filed your own lawsuit or retained your own attorney, you are a part of the Settlement Class if you are a Corn Producer, a Grain Handling Facility, or an Ethanol Production Facility that fits into the one of the defined groups above. Additionally, even if you have previously excluded yourself from a class, you are still a member of the Settlement Class unless and until you submit a timely, valid request for exclusion from this Settlement Class.

7. Are landlords eligible to participate in the Settlement?

Yes, a landlord who shares in the risk of producing Corn or the pricing of Corn and who is entitled to share in the Corn crop or proceeds from the sale of the Corn crop available for marketing between September 15, 2013 and April 10, 2018 is eligible to participate in the Settlement. A landlord who receives a variable rent payable based on a share of the Corn crop or proceeds from the sale of Corn can participate in the Settlement. A landlord who receives only a fixed cash amount for renting the land that does not vary with the size of, or pricing for, the Corn crop cannot

participate in the Settlement unless that fixed cash amount is tied to the price of Corn. If you claim as a landlord based on a fixed cash amount tied to the price of corn, you will have to provide proof of such an agreement with a Producer.

A landlord must submit his or her own Claim Form. A farmer cannot file a claim for the landlord's share of the corn marketed, if that share was reported to the Farm Service Agency ("FSA") of the U.S. Department of Agriculture ("USDA"), even if the farmer normally markets the corn on behalf of the landlord.

8. I produced and marketed Wet Distilled Grains ("WDGs") during the Class Period. Am I a Class Member?

No, you are not a Class Member.

9. What am I giving up to get a payment?

Unless you exclude yourself, you are staying in the Settlement Class, and that means that you cannot sue, continue to sue, or be part of any other lawsuit against Syngenta involving the legal issues in *these* cases being settled. It also means that all of the Court's orders relating to this Settlement will apply to you and legally bind you. Even if you do not submit a claim to get paid, you will give up your claims against Syngenta and be bound by the Court's orders. You must submit a Claim Form to get paid.

A copy of the Settlement Agreement containing the full language of the legal release and all of the terms of the Settlement is available in the Documents section of the Settlement Website, www.CornSeedSettlement.com.

10. Does my participation in this Settlement affect any claims I may have against exporters relating to these issues?

Your participation as a Class Member in this Settlement does not and will not affect any claims you may have against exporters related to the rejection of U.S. corn by China. You will not lose any claims you may have against any exporters. The only claims that are being released if you do not request to be excluded from the Class are claims against Syngenta.

11. I do not want to participate in the Settlement. How do I exclude myself?

If you ask to be excluded, you will not get any settlement payment, and you cannot object to the Settlement. You will not be legally bound by anything that happens in the lawsuit. You may be able to sue (or continue to sue) Syngenta in the future. If you want to be excluded from this Settlement, you must submit an exclusion request by August 10, 2018, even if you have already sued Syngenta separately.

The procedure for asking to be excluded from the Settlement (submitting an "Opt-Out Request") varies depending on what type of Class Member you are. The procedures to opt-out based on Class Member type are explained below.

(a) Corn Producer Opt-Out Procedure.

If you are a Corn Producer and do not want to be included in the Settlement, you must mail a written Opt-Out Request to the Claims Administrator that includes the following:

- (1) Your full legal name (or entity name if applicable), valid mailing address, and all digits of your Social Security Number or (if an entity) Tax Identification Number (“TIN”), a functioning telephone number, and the address of the farm(s) whose Corn priced for sale after September 15, 2013 was allegedly impacted by Agrisure Viptera and/or Duracade Corn Seed;
- (2) A statement that you have reviewed and understand the Class Notice and choose to be excluded from the Settlement Class, and that you understand that by opting out, you will not share in any recovery obtained on behalf of the Settlement Class;
- (3) The name and contact information of your attorney, if you have one;
- (4) A statement indicating that you are a Corn Producer who during the Class Period owned an Interest in Corn in the U.S. that was priced for sale after September 15, 2013;
- (5) Either (1) a signed consent to obtain your FSA 578 Report and RMA Data for each year from 2013-2017 related to any Corn crop in which you have an interest, or (2) a statement certifying by penalty of perjury, based on your knowledge, information, and belief, the number of planted Corn acres for each calendar year from 2013-2017 and your share of Corn planted on those acres in which you had an Interest; and
- (6) Your actual signature in ink and the signature of anyone else required under law to bind the Corn Producer who is seeking to be excluded (not an electronic copy). The signature of your attorney representing you in this matter will **not** be accepted by the Court. ***You must sign your own Opt-Out Request.***

A tenant who excludes himself from the Settlement cannot exclude a landlord’s ownership interest in the Corn crop and vice versa; a husband and wife with a 50-50 interest in a crop, as reported to the FSA, must each sign an Opt-Out Request to exclude 100% of their crop from the Settlement; and someone who produces Corn under multiple entity names must execute an Opt-Out Request for each separate entity.

Any Corn Producer who does not submit a valid Opt-Out Request for a particular interest will have that interest included in the Settlement Class.

(b) Grain Handling Facility Opt-Out Procedure.

If you are a Grain Handling Facility and do not want to be included in the settlement, you must send a written Opt-Out Request to the Claims Administrator that includes the following:

- (1) Your full legal name (or entity name if applicable), valid mailing address, and all digits of your Social Security or (if an entity) TIN, and a functioning telephone number;
- (2) A statement that you have reviewed and understand the Class Notice and choose to be excluded from the Settlement Class and, that you understand that by opting out, the Facility will not share in any recovery obtained on behalf of the Settlement Class;
- (3) The name and contact information of your attorney, if you have one;
- (4) A statement indicating that you are a Grain Handling Facility;
- (5) Business records demonstrating (1) the number of Corn bushels purchased per Marketing Year; (2) the number of Corn bushels priced for sale after September 15, 2013 and for each Marketing Year (if any); (3) your total Storage Capacity; and
- (6) Your actual signature in ink and the signature of anyone else required under law to bind the Grain Handling Facility seeking to be excluded (not an electronic copy). The signature of your attorney representing you in this matter will **not** be accepted by the Court. *You must sign your own Opt-Out Request.*

(c) Ethanol Production Facility Opt-Out Procedure.

If you are an Ethanol Production Facility and do not want to be included in the settlement, you must send a written Opt-Out Request to the Claims Administrator that includes the following:

- (1) Your full legal name (or entity name if applicable), valid mailing address, and all digits of your Social Security or (if an entity) TIN, and a functioning telephone number;
- (2) A statement that you have reviewed and understand the Class Notice and choose to be excluded from the Settlement Class and, that you understand that by opting out, the Facility will not share in any recovery obtained on behalf of the Settlement Class;
- (3) The name and contact information of your attorney, if you have one;
- (4) A statement indicating that you are an Ethanol Production Facility;
- (5) Business records demonstrating (1) the number of Corn bushels purchased per Marketing Year; (2) the number of short tons of DDGs priced for sale after September 15, 2013 and for each Marketing Year (if any); (3) your total Production Capacity; and

- (6) Your actual signature in ink and the signature of anyone else required under law to bind the Ethanol Production Facility seeking to be excluded (not an electronic copy). The signature of your attorney representing you in this matter will **not** be accepted by the Court. ***You must sign your own Opt-Out Request.***

For Any Class Member seeking to opt-out of the Settlement (whether you are a Corn Producer, Grain Handling Facility, or Ethanol Production Facility), your signature **must be** made and dated on or after May 11, 2018. Finally, your Opt-Out Request must be postmarked by August 10, 2018 and mailed to:

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

You cannot exclude yourself on the phone or by e-mail. If you do not provide the information required to opt-out or fail to timely submit an Opt-Out Request, you will be deemed to have waived your right to opt-out and will be a member of the Settlement Class.

No person or entity, including another Class Member, may submit an Opt-Out Request on behalf of any other Class Member or that Class Member's interest in a claim covered by the Settlement.

The Court will not accept Opt-Out Requests signed BEFORE the date the Notice Administrator mailed the Class Notice. This includes any exclusions that were submitted for previous class notices or class actions related to Agrisure Viptera or Duracade corn seed. This means if you opted out of one or more of the prior class actions, you are included in this Settlement unless you opt-out again.

12. If I opt-out, can I maintain my lawsuit against Syngenta?

If you timely opt-out, you may sue or continue to sue Syngenta because you will not be bound by the Settlement. You should know, however, that as part of this Settlement, Syngenta has agreed that for at least one year following the date the Settlement is completed, it will not pay any Class Member who opts out more favorably than it is treating similarly-situated Class Members who stay in the class. The only way to get more money in a separate suit prior to that date would be to take your case to trial, obtain a verdict that is better than this Settlement, and win on appeal.

13. If I do not opt-out, can I sue Syngenta for the same thing later?

No. Unless you exclude yourself, you give up the right to sue Syngenta for the claims that this Settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself, if eligible, from this Settlement Class to continue your own lawsuit. Remember, the exclusion deadline is August 10, 2018.

14. Can I revoke my timely opt-out?

You may revoke your Opt-Out Request by submitting a revocation request in writing to the Claims Administrator. The Class Member, or the Representative of the Class Member, must

personally sign the revocation request with an actual ink signature. Your revocation must be postmarked by August 10, 2018. Revocations should be mailed to the Claims Administrator at:

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

If you decide to revoke your opt-out after August 10, 2018, follow the instructions in this FAQ but understand that Settlement Class Counsel and Syngenta must mutually agree to accept the revocation and allow you to submit a Claim Form.

15. How do I tell the Court that I do not like the Settlement?

If you are a Class Member, you can object to the Settlement if you don't like any part of it, including the requests being made by Class Counsel for attorneys' fees and litigation expenses or the service awards being sought for Class Representatives and those plaintiffs who helped litigate the case for the Class). You can give reasons why you think the Court should not approve the Settlement or what you do not like about the Settlement. The Court will consider your views.

You cannot both exclude yourself from the Settlement and object at the same time. If you exclude yourself, you cannot object to any part of the Settlement. You have to remain in the Settlement Class to maintain your right to object to any part of the Settlement.

To object, you must file a written objection with the Clerk of Court. You must include your name, mailing address, and telephone number. You must also clearly state the specific legal and factual reasons why you object to the Settlement and attach copies of any materials you intend to submit to the Court or present at the Fairness Hearing. If you are represented by a lawyer in connection with the issues involved with the sale and marketing of Viptera and Duracade, you must include the lawyer's name, email address, mailing address, and telephone number.

All objections must be personally signed by the Class Member with an actual ink signature, even if you are represented by a lawyer. Any request to appear and present argument at the Final Fairness Hearing must also be specifically stated.

In addition to filing your objection with the Clerk of Court, you must also mail the objection to each address listed below:

Settlement Class Counsel:

Daniel E. Gustafson
Gustafson Gluek, PLLC
120 S. 6th Street, Suite 2600
Minneapolis, MN 55402

Christopher A. Seeger
Seeger Weiss LLP
55 Challenger Road
Ridgefield Park, NJ 07660

Patrick J. Stueve
Stueve Siegel Hanson LLP
460 Nichols Road, Suite 200
Kansas City, MO 64112

Counsel for Syngenta:

Leslie M. Smith, P.C.
Kirkland & Ellis LLP
300 North LaSalle Street
Chicago, IL 60654

The objection must be postmarked no later than August 10, 2018.

If you object, you may be asked to answer questions by the attorneys or the Court about your reasons for objecting. No person or entity or other Class Members may object for, or on behalf of, any other Class Member.

16. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Fairness Hearing at 1:00 p.m. CST on November 15, 2018, at the United States District Court for the District of Kansas, 500 State Ave., Kansas City, KS 66101. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have previously asked to speak at the hearing. The Court may also decide how much to pay Settlement Class Counsel. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

Because the Court may change the date or time of the Fairness Hearing without additional notice, you should check the Settlement Website, www.CornSeedSettlement.com for updates.

17. Do I have to come to the Fairness Hearing?

No. Settlement Class Counsel will answer questions the Court may have. You are welcome, however, to come at your own expense. If you send an objection, you do not have to come to court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

18. May I speak at the Fairness Hearing?

If you timely objected to the Settlement, you may ask the Court for permission to speak at the Fairness Hearing. To do so, you must make such a request in your objection or send a letter saying that it is your “Notice of Intention to Appear in the Syngenta Settlement.” Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than August 10, 2018, and be sent to the Clerk of the Court, Class Counsel, and Defense Counsel, at the addresses above. You cannot speak at the hearing if you excluded yourself. You can speak only about issues that you timely raised in a written objection. Moreover, even if you have sent in a written objection, the Court may still decline to allow you to speak at the Fairness Hearing.

19. Who is BrownGreer?

The Court overseeing this settlement appointed BrownGreer PLC to implement and administer the Settlement Agreement by acting as the Notice Administrator and Settlement Administrator. This means the Court tasked BrownGreer with providing notice of the settlement to Class Members, maintaining the Settlement Website, answering calls from Class Members, processing and reviewing claims, and any other tasks necessary to administer the Settlement Agreement. All of the work of BrownGreer PLC is overseen by Settlement Class Counsel, Counsel for Syngenta and the Court.

20. Do I need to report any payments that I receive from the Settlement Program on my taxes?

The Settlement Program cannot provide any tax advice. Class Members must consult their own tax advisors regarding the tax consequences of any payments and any tax reporting obligations they may have. To the extent required by law, the Program will report payments made under the Settlement Agreement to the appropriate authorities.

B. Settlement Agreement Benefits

1. [What benefits does the Settlement provide?](#)
2. [As a Corn Producer, what will be the value of my payment from the Settlement?](#)
3. [As a Grain Handling Facility, what will be the value of my payment from the Settlement?](#)
4. [As an Ethanol Production Facility, what will be the value of my payment from the Settlement?](#)
5. [Why are Vipterra and Duracade Corn Producers being treated differently?](#)
6. [How will you determine if someone purchased Viptera or Duracade?](#)
7. [For Corn Producers, why does the Claims Administrator need my FSA 578 and RMA information?](#)
8. [Do I need to obtain a copy of my FSA 578 or RMA information?](#)
9. [What Subclass am I in if I planted Agrisure Viptera and/or Agrisure Duracade Corn Seed in some Marketing Years during the Class Period, but not all Marketing Years? What if I planted Agrisure Viptera and/or Agrisure Duracade Corn Seed in one or more fields but not in all of my fields?](#)
10. [For Subclass 3 grain handling facility members including grain elevators, grain distributors, and grain transporters which engage in transactions involving DDGs and who desire to make a claim, is there an accepted conversion of the weight of DDGs to bushels of corn?](#)

B. Settlement Agreement Benefits

1. What benefits does the Settlement provide?

Syngenta has agreed to create a Settlement Fund of \$1,510,000,000. This amount covers: all Corn Producers, Grain Handling Facilities, and Ethanol Production Facilities who are part of the Settlement Class. Of this amount, a maximum of \$22,600,000 is set aside to pay Corn Producers who purchased and planted Viptera or Duracade seeds (although the average per-bushel payment to one of these Corn Producers cannot exceed the average per-bushel payment to a Corn Producer who did not purchase and plant Viptera or Duracade seeds), a maximum of \$29,900,000 is set aside to pay Grain Handling Facilities that are covered by the Settlement, and a maximum of \$19,500,000 is set aside to pay Ethanol Production Facilities that are covered by the Settlement. The total amount available to Corn Producers who did not purchase or plant Viptera or Duracade seeds prior to April 10, 2018 shall be the remaining Settlement Funds, which will be at least \$1,438,000,000 before any deductions for the costs of administering the Settlement and any attorneys' fees and litigation expenses awarded by the Court, and those amounts will be deducted from the total Settlement Fund before any payments are made.

2. As a Corn Producer, what will be the value of my payment from the Settlement?

The Claims Administrator will be responsible for determining the amount of each Corn Producer's payment based on the following factors: (1) Compensable Recovery Quantity, (2) the year of planting, (3) the Producer's ownership interest in those bushels, and (4) whether the producer purchased and planted Agrisure Viptera or Duracade.

For Corn Producers who reported Corn acres to the FSA, Compensable Recovery Quantity for each Marketing Year will be determined by:

- (a) Multiplying the number of Corn acres planted each Marketing Year as reported on the Producer's Form FSA 578 (not including acres reported as failed or for silage) by the Producer's percentage ownership in those acres as reported on the Form FSA 578;
- (b) Multiplying the resulting acreage by the average county yield as reported by USDA National Agricultural Statistics Service ("NASS") (or if no county yield is reported, the nearest yield available as determined by the Claims Administrator);
- (c) Deducting the percentage of bushels reported as "fed on farm" as reported on the Producer's Claim Form; and
- (d) Multiplying the resulting bushels by the weighted average for that particular Marketing Year.

For purposes of determining the Compensable Recovery Quantities for Corn Producer Class Members, the following weighted averages will be used for each respective Marketing Year:

2013/14- 26%
2014/15- 33%

2015/16- 20%
2016/17- 11%
2017/18- 10%

These averages are based on the evidence and expert analysis in the case.

For example, if the FSA 578 information reflects that John Smith in Marketing Year 2013-14 had a 25% share in 200 acres of Corn in a county with an average yield of 186 bushels per acre, the Producer's Compensable Recovery Quantity will be equal to 200 (acres) multiplied by 186 (average county yield) multiplied by 25% (ownership share) or 9,300 bushels, less any reported fed on farm percentage and then multiplied by the weighted average for that Marketing Year. If Susan Smith had a 75% share in the same acres, her Compensable Recovery Quantity will be 200 (acres) multiplied by 186 (average county yield) multiplied by 75% or 27,900 bushels, less any reported fed on farm percentage and then multiplied by the weighted average for that Marketing Year.

For Corn Producers who did not report their Corn acres to the USDA's FSA, Compensable Recovery Quantity will be determined in accordance with the same methodology but using USDA Risk Management Agency information (from data reported to agencies based on crop insurance) instead of Form FSA data.

For those Corn Producers who did not report their Corn acres to USDA FSA or USDA Risk Management Agency ("RMA"), Compensable Recovery Quantity will be determined based on the Claim Form.

Once the Compensable Recovery Quantity is calculated for the entire Class Period for each Corn Producer, the Claims Administrator will determine payments to Corn Producers by distributing available settlement funds (less the costs of the administering the Settlement and any Attorneys' Fees, Costs or Expenses approved by the Court) in proportion to each Corn Producer's Compensable Recovery Quantity (*Pro Rata*).

A Corn Producer's Compensable Recovery Quantity for Producers that purchased and planted Corn grown from Agrisure Viptera and/or Duracade Corn Seed will be calculated in the same manner as Corn Producers that did not purchase and plant Agrisure Viptera and/or Duracade Corn Seed but the *Pro Rata* distribution will be calculated from the settlement funds set aside for that Subclass (\$22.6 million dollars) or at a number below \$22.6 million dollars that ensures that the average per-bushel recovery for Corn Producers that purchased and planted Corn grown from Agrisure Viptera and/or Duracade Corn Seed shall not exceed the average per-bushel recovery of the members of the Subclass of Corn Producers that did not purchase and plant Agrisure Viptera and/or Duracade Corn Seed. Any remaining funds in this Subclass fund will revert to the general Settlement Fund.

3. As a Grain Handling Facility, what will be the value of my payment from the Settlement?

For Grain Handling Facilities, Compensable Recovery Quantity will be determined as follows:

For each Marketing Year, Grain Handling Facilities total sales of Corn (in bushels) will be multiplied by the weighted average to determine the total Compensable Recovery Quantity for each Marketing Year. Totals for each Marketing Year will be summed to determine that Grain Handling Facilities' total Compensable Recovery Quantity for the Class Period. The Claims Administrator will determine payments to each Grain Handling Facility by distributing available settlement funds set aside for that Subclass (\$29.9 Million) in proportion to each Grain Handling Facilities' total Compensable Recovery Quantity (*Pro Rata*).

For purposes of determining the Compensable Recovery Quantities for Grain Handling Facility Class Members, the following weighted averages will be used for each respective Marketing Year:

2013/14- 26%
2014/15- 33%
2015/16- 20%
2016/17- 11%
2017/18- 10%

These averages are based on the evidence and expert analysis in the case. Any remaining funds in this Subclass fund will revert to the general Settlement Fund.

4. As an Ethanol Production Facility, what will be the value of my payment from the Settlement?

For Ethanol Production Facilities, Compensable Recovery Quantity will be determined as follows:

For each Marketing Year, an Ethanol Production Facility's total sales of DDGs (in short tons) will be multiplied by the weighted average to determine the total Compensable Recovery Quantity for each Marketing Year. Totals for each Marketing Year will be summed to determine that Ethanol Production Facility's total Compensable Recovery Quantity for the Class Period. The Claims Administrator will determine payments to each Ethanol Production Facility by distributing available settlement funds set aside for that Subclass (\$19.5 Million) in proportion to each Ethanol Production Facility's total Compensable Recovery Quantity (*Pro Rata*).

For purposes of determining the Compensable Recovery Quantities for Ethanol Production Facility Class Members, the following weighted averages will be used for each respective Marketing Year:

2013/14- 44%
2014/15- 47%
2015/16- 4%
2016/17- 3%
2017/18- 2%

These averages are based on the evidence and expert analysis in the case. Any remaining funds in this Subclass fund will revert to the general Settlement Fund.

5. Why are Viptera and Duracade Corn Producers being treated differently?

Syngenta has unique defenses to claims from Corn Producers who purchased and planted Viptera and/or Duracade corn seeds. Specifically, there may be limitations on the ability of those purchasers to sue and the amount that they could recover because those Corn Producers are required to sign stewardship agreements with Syngenta that may limit their rights and ability to recover any damages.

In addition, those who purchased and planted Viptera or Duracade corn seed, if they sued, would potentially have been subject to comparative fault, contributory negligence, assumption of the risk, and other legal defenses. For example, it could have been argued that those who purchased and planted Viptera and Duracade corn seed knew or should have known that the products were not yet approved in China. These are some of the reasons why those who purchased and planted Viptera and Duracade corn seed will receive less than Corn Producers who did not purchase and plant those seeds.

6. How will you determine if someone purchased Viptera or Duracade?

The Claim Form requires that you specify whether you purchased and planted Viptera or Duracade. When you sign and submit your Claim Form, you will state under penalty of perjury that the information you provide in your Claim Form is true. The Claims Administrator also may audit information provided in Claim Forms using Syngenta's records. Make sure you do your best to be accurate in your answers.

7. For Corn Producers, why does the Claims Administrator need my FSA 578 and RMA information?

The Court has approved the use of FSA 578 and RMA (crop insurance) information to substantiate claims for settlement payments. This information will be used to determine your Compensable Bushels but will be kept confidential by the Claims Administrator and used only for purposes of this Settlement.

8. Do I need to obtain a copy of my FSA 578 or RMA information?

No. The government has agreed to provide FSA 578 data and RMA data electronically for any Corn Producer who consents to that disclosure as part of the Claim Form. Paper copies will NOT be accepted so you should NOT obtain any paper copies. Everything must be submitted as part of the Court-approved Claim Form.

9. What Subclass am I in if I planted Agrisure Viptera and/or Agrisure Duracade Corn Seed in some Marketing Years during the Class Period, but not all Marketing Years? What if I planted Agrisure Viptera and/or Agrisure Duracade Corn Seed in one or more fields but not in all of my fields?

If you ever purchased Agrisure Viptera and/Agrisure Duracade Corn Seed and produced Corn from it, you are in Subclass 2 for all Marketing Years and for all acreage. If you are a Landlord and you do not know whether your tenant purchased and planted Agrisure Viptera and/Agrisure

Duracade, you must work with your tenant to obtain this information. Section 3.7.3.1 of the Settlement Agreement requires the Claims Administrator to reject incomplete Claim Forms and failure to indicate whether your tenant purchased and planted Agrisure Viptera and/Agrisure Duracade will make your Claim Form incomplete.

10. For Subclass 3 grain handling facility members including grain elevators, grain distributors, and grain transporters which engage in transactions involving DDGs and who desire to make a claim, is there an accepted conversion of the weight of DDGs to bushels of corn?

Yes, the Claims Administrator has determined that the generally accepted conversion ratio is that 1 bushel of corn will produce 17 pounds of DDGs. Thus, for a transaction involving a standard, 2,000 pound short ton of DDGs, the resulting claim would be for 117.65 bushels of corn (2,000 pounds divided by 17 pounds of DDGs per bushel). The completed claim form should state the number of short tons of DDGs priced, transported, stored, or otherwise handled and show the resulting calculation of bushels.

C. Claim Filing Process

1. [When can I file a claim?](#)
2. [What is the last day to file a claim?](#)
3. [How do I file a Claim Form?](#)
4. [How many claims should I file?](#)
5. [How can I confirm that you received my hard-copy Claim Form?](#)
6. [What is my Claimant ID?](#)
7. [What is an electronic signature?](#)
8. [I am a landlord on part of my farmland and a farmer on another part of my farmland. How should I file my claim?](#)
9. [What is a Marketing year?](#)
10. [Can Farm Managers submit Claim Forms on behalf of Producers?](#)
11. [I am the authorized business representative for a Co-op that was previously multiple companies that merged \(the previous companies no longer exist\), can the co-op file a claim for the corn producers of the previous companies?](#)
12. [I am the authorized business representative of a Grain Handling Facility that has multiple elevators. Only some elevators purchased the grain, but it is hauled and sold out of all the elevators. Should the Grain Handling Facility combine the storage capacity of all of the elevators or break down physical location within the company?](#)
13. [I am the authorized business representative of a Grain Handling Facility that purchased and stored bushels on the farm where they were grown. The farmer then transported the grain for sale. Can those bushels be included in my claim?](#)
14. [If no average county yield is reported by the NASS, how will you determine it? Is “nearest” by distance or by a similarly producing-county? What if there are multiple counties the same distance from my location?](#)
15. [If FSA data establishes that I have irrigated and non-irrigated acres, will you account for the difference in yield based on the irrigation? If my land is non-irrigated and another’s is irrigated, will this negatively affect my compensation?](#)
16. [Do I need to hire a lawyer to file a Claim Form?](#)
17. [Does the Claims Administrator share the contents of my claim with anyone?](#)
18. [If I own the land and have it custom farmed, am I a landlord or a Producer?](#)
19. [I am a landlord whose interest is not reported on an FSA-578 Form and I do not have a written rental agreement. What should I provide along with my Claim Form?](#)
20. [I am a landlord and I do not know if my renter purchased and planted corn seed containing Agisure Viptera \(MIR162\) or Agrisure Duracade \(Event 5307\) between September 15, 2013 and April 10, 2018. How do I answer this question in the Claim Form?](#)
21. [I did not produce Corn, but I have Corn stored that I feed to my livestock. Am I a Class Member?](#)

22. [I would like the Claims Administrator to discuss my claim with someone other than me who is not my attorney. How can I provide that permission?](#)
23. [For purposes of Compensable Recovery Quantity, in addition to reporting bushels that are “fed on farm,” should I report to the Claims Administrator bushels that I give to my children, donate to my church or otherwise did not price for sale or feed on farm?](#)

C. Claim Filing Process

1. When can I file a claim?

The Claims Administrator will begin accepting Claim Forms on May 11, 2018.

2. What is the last day to file a claim?

The last day to file a claim is October 12, 2018.

3. How do I file a Claim Form?

There are specific Claim Forms for each type of Class Member. You may file the Claim Form specific to your Class Member type (Corn Producer, Grain Handling Facility, or Ethanol Production Facility) electronically by clicking File Your Claim on the home page of the Settlement Website, www.CornSeedSettlement.com. The online filing system will direct you to the questions required for your specific Class Member type.

You may also download a copy of the Claim Form for your specific Class Member type from the Documents section of the Settlement Website, www.CornSeedSettlement.com. You can complete the downloaded Claim Form, and mail it to the Claims Administrator at:

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

Regardless of how you submit the Claim Form, all Claim Forms must be completed, signed and submitted online or postmarked on or before October 12, 2018.

The Class Member or person with legal authority to act on behalf of the Class Member must complete and sign the Claim Form(s). If you have a lawyer who represents you in a Syngenta lawsuit, that lawyer cannot sign and submit the Claim Form for you. The Claim Form must be signed and submitted by the Class Member or, if the Class Member is a legal entity, by someone with legal authority to act on behalf of the entity other than your lawyer in the Syngenta matter. Each Corn Producer must submit his or her own Claim Form. For example, a tenant cannot submit on behalf of his or her landlord. The landlord must submit his or her Claim Form separately.

4. How many claims should I file?

The determination on the number of claims you should file corresponds to the data you submitted to the FSA. You should submit one claim form for each FSA 578 you filed. For example, if you submitted FSA-578 stating that you own 100% of the corn crop during all Marketing Years in the Class Period, then you should submit one claim. However, if you *and* someone else submitted FSA-578s for a 50% share each in the corn crop during certain Marketing Years in the Class Period, then each of you should submit a claim for your 50% share.

If your share in the corn crop changed during the Class Period, you should still submit a claim, corresponding with the data you submitted to the FSA.

5. How can I confirm that you received my hard-copy Claim Form?

When we receive your hard-copy Claim Form, we will send you an email, if you provided an email address on your Claim form, confirming that we received your Claim Form. If you did not provide an email address, you may call the Claims Administrator at 1-833-567 CORN (2676) to check the status of your Claim Form. You will need to provide your name and the last four of your TIN to verify your identity.

6. What is my Claimant ID?

If you provided an email address when you submitted your Claim Form, the Claims Administrator sent you an email with your Claimant ID. That email came from noreply@CornSeedSettlement.com. Please check your spam filters to make sure you received the email. You also received your Claimant ID on the confirmation screen when you submitted your Claim Form. If you do not remember your Claimant ID, you may call the Claims Administrator at 1-833-567 CORN (2676). You will need to provide your name and the last four of your TIN to verify your identity.

7. What is an electronic signature?

Providing an electronic signature is a quicker and easier alternative to printing, signing and mailing your Claim Form. Signing electronically allows you to give your consent, or sign, the Claim Form online. Your electronic signature on the Claim Form represents your agreement that your electronic signature can be treated in the same way as if you signed your printed Claim Form with a pen. To provide your electronic signature, you simply type your name in the space labeled "Signature: s/" at the end of the Claim Form submission screen. When signing electronically, you must type your name exactly as you entered it when filling out your Claim Form. When you electronically sign the Claim Form, you are declaring that you are the Producer entitled to make the claim, that you authorize the Claims Administrator to request the contents of your FSA-578 and crop insurance data from the applicable agencies, and that you understand that you are submitting the Claim Form under penalty of perjury.

8. I am a landlord on part of my farmland and a farmer on another part of my farmland. How should I file my claim?

You should fill out and submit two Claim Forms: one as a farmer/Producer for the FSA 578 filed on that property; and one as a Landlord for the FSA 578 filed on that property. You will receive two Claimant IDs, one for each claim.

9. What is a Marketing Year?

Section 2.36 of the Settlement Agreement defines Marketing Year as September 1st of one year to August 31st of the following year. For example, Marketing Year 2013 is September 1, 2013 to August 31, 2014.

10. Can Farm Managers submit Claim Forms on behalf of Producers?

No, Section 2.6 of the Settlement Agreement requires Producers to submit Claim Forms on their own behalf. Farm Managers are not permitted to act as Representative Claimants for Producers unless they have been court-appointed to represent producers who are deceased, a minor, or legally incapacitated or incompetent.

11. I am the authorized business representative for a Co-op that was previously multiple companies that merged (the previous companies no longer exist), can the co-op file a claim for the corn purchases of the previous companies?

That depends on who owns the rights to the previously claims; the prior entities or the new entities. If the Co-op acquired the rights and liabilities of the prior companies in the acquisition transaction, then yes, the Co-op can file a claim for those entities.

12. I am the authorized business representative of a Grain Handling Facility that has multiple elevators. Only some elevators purchased the grain, but it is hauled and sold out of all of the elevators. Should the Grain Handling Facility combine the storage capacity of all of the elevators or break down each physical location within the company?

Claims should be based upon and filed for each legal entity and not for any specific location. All locations for one legal entity (ABC Corp. for example) should be filed in one claim.

13. I am the authorized business representative of a Grain Handling Facility that purchased and stored bushels on the farm where they were grown. The farmer then transported the grain for sale. Can those bushels be included in my claim?

If the Grain Handling Facility sold those bushels during the Class Period, it can file a claim. Section 2.31 of the Settlement Agreement defines Grain Handling Facility as “all grain elevators, grain distributors, grain transporters, or other entities in the United States that during the Class Period: (i) purchased Corn and then priced Corn in the United States for sale during the Class Period; and/or (ii) that purchased Corn and then transported, stored or otherwise handled Corn that was priced for sale during the Class Period.

14. If no average county yield is reported by the NASS, how will you determine it? Is “nearest” by distance or by a similarly producing-county? What if there are multiple counties the same distance from my location?

We will use the nearest county (by geographic location) that has a reported average yield.

15. If FSA data establishes that I have irrigated and non-irrigated acres, will you account for the difference in yield based on the irrigation? If my land is non-irrigated and another’s is irrigated, will this negatively affect my compensation?

There is no distinction for irrigated and non-irrigated in the Settlement.

16. Do I need to hire a lawyer to file a Claim Form?

No. The Court has appointed Daniel E. Gustafson, Christopher A. Seeger, and Patrick J. Stueve to represent the Settlement Class. These lawyers are referred to as “Settlement Class Counsel.” If you want to be represented by your own lawyer, you may hire one at your own expense.

17. Does the Claims Administrator share the contents of my claim with anyone?

We keep all claims information strictly confidential unless you authorize us in writing to give the information to someone else. Any claims information that you provide to us is used only for the purposes designated to the Claims Administrator by the Court. This means that those persons whom the Court, Parties and Claims Administrator has designated to work on the settlement may have access to your claims information. However, those people have agreed to access claims information only on a "need to know" basis and to keep that information confidential. The Claims Administrator has developed a secure, encrypted Portal to use for this purpose.

18. If I own the land and have it custom farmed, am I a landlord or a Producer?

If by custom farmed, you mean that you hired someone to grow your corn (*i.e.* you paid them cash but did not share the crop with them), then you are a Producer and not a landlord.

19. I am a landlord whose interest is not reported on an FSA-578 Form and I do not have a written rental agreement. What should I provide along with my Claim Form?

If you do not have a written rental agreement, you may provide the Verbal Rental Agreement Sworn Written Statement, which you can find on the Settlement Website in the Documents section. The Claims Administrator requires that both you and the renter sign this document under penalty of perjury. You will be able to provide the details of your verbal (unwritten) rental agreement in the sworn written statement. By signing this document, you and the renter are declaring under penalty of perjury:

- (a) That you received a variable rent based on the share of the Corn crop or proceeds from the sale of Corn from September 15, 2013 to April 10, 2018;
- (b) That you had a verbal (unwritten) rental agreement with your renter; and
- (c) That the renter understands that his or her compensation will be reduced by the percentage of the landlord’s share. For example, if the landlord asserts a 50% share in the Corn crop, then the renter’s share will be reduced by the 50% share paid to the landlord.

20. I am a landlord and I do not know if my renter purchased and planted corn seed containing Agrisure Viptera (MIR162) or Agrisure Duracade (Event 5307) between September 15, 2013 and April 10, 2018. How do I answer this question in the Claim Form?

The Claim Form requires that you specify whether your renter purchased and planted Viptera or Duracade. When you sign and submit your Claim Form, you will state under penalty of perjury that the information you provide in your Claim Form is true. The Claims Administrator also may audit information provided in Claim Forms using Syngenta's records. Make sure you do your best to be accurate in your answers. If you do not know the answer to this question, you should ask your renter before you complete the Claim Form.

21. I did not produce Corn, but I have Corn stored that I feed to my livestock. Am I a Class Member?

No, you must have had an interest in the sale of the Corn from September 15, 2013 to April 10, 2018 to be a member of the Settlement Class.

22. I would like the Claims Administrator to discuss my claim with someone other than me who is not my attorney. How can I provide that permission?

You can find the Authorization Form on the Settlement Website, under Documents – Forms. You must fill in the Authorization Form and sign it. You should not use the Authorization Form to name an attorney as an Authorized Recipient. Instead, the Authorized Recipient is a non-attorney (such as a family member) with whom you want the Claims Administrator to discuss your claims information. To notify the Claims Administrator that an attorney is representing you, use the Request for Change in Representation Status Form. You can return the Authorization Form to the Claims Administrator through the Portal, by email or by mail.

23. For purposes of Compensable Recovery Quantity, in addition to reporting bushels that are “fed on farm,” should I report to the Claims Administrator bushels that I give to my children, donate to my church or otherwise did not price for sale or feed on farm?

No, you do not need report to the Claims Administrator bushels that you donate to your children, church or do not otherwise price for sale or feed on farm.

D. Attorney Communications

1. [May I provide the Claims Administrator with a list of my clients to determine if they submitted claims in the Settlement Program?](#)
2. [Can you tell me if my client has submitted a claim?](#)
3. [Can you tell me the answers my client provided on the Claim Form?](#)
4. [I have a large group of clients who are unable or unwilling to submit claims using the online Portal and want to submit hard copy Claims Forms. My firm already has their claims data saved electronically. How can I provide this data to you electronically?](#)
5. [Will the Claims Administrator provide me copies of Notices sent to my clients?](#)
6. [How do I change the attorney who the Settlement Program has listed as representing me?](#)
7. [I received information from a lawyer who told me that I need a lawyer to file a claim. Is that true?](#)
8. [I received information from my lawyer that seems different than the information in the Class Notice or the Settlement Website or the information that I received when I called the Settlement Program's toll-free number.](#)

D. Attorney Communications

1. May I provide the Claims Administrator with a list of my clients to determine if they submitted claims in the Settlement Program?

You can access a list of your clients, including claims status and notice information (such as upcoming deadlines) by logging onto your Law Firm Portal. This list will contain the names of any Class Members who indicated you represent them on their Claim Form or on a Request for Change in Representation Status Form.

The Claims Administrator will also post to the Law Firm Portal copies of all notices the Claims Administrator sends to the Class Member directly.

2. Can you tell me if my client has submitted a claim?

You can access a list of your clients by logging onto your Law Firm Portal.

3. Can you tell me the answers my client provided on the Claim Form?

You can access a read-only copy of the Claim Forms submitted by your clients by logging onto your Law Firm Portal. Your Law Firm Portal will contain information on any Class Members who indicated you represent them on their Claim Form or on a Request for Change in Representation Status Form.

4. I have a large group of clients who are unable or unwilling to submit claims using the online Portal and want to submit hard copy Claim Forms. My firm already has their claims data saved electronically. How can I provide this data to you electronically?

The Claims Administrator is not authorized to accept electronic data in place of a Claim Form. Section 2.6 of the Settlement Agreement requires the Class Member to submit his or her own Claim Form to the Claims Administrator. The Claims Administrator may not accept a claim submitted by someone other than the Class Member or the authorized representative of a deceased, minor or legally incapacitated or incompetent Class Member. All claims information must be provided through the online Portal or by using the hard copy Claim Form.

5. Will the Claims Administrator provide me copies of Notices sent to my clients?

Yes, you can access these notices on your Law Firm Portal. Your Law Firm Portal will contain information on any Class Members who indicated you represent them on their Claim Form or on a Request for Change in Representation Status Form.

6. How do I change the attorney who the Settlement Program has listed as representing me?

You can change or revoke representation by submitting to the Claims Administrator the Change in Representation Status Form, which you can find in the Documents section of the Settlement

Website. The Claims Administrator may not accept this form submitted by someone other than the Class Member or the authorized representative of a deceased, minor or legally incapacitated or incompetent Class Member. The Claims Administrator may not accept this form from the attorney of the Class Member.

7. I received information from a lawyer who told me that I need a lawyer to file a claim. Is that true?

No, you do not need to hire a lawyer to participate in the Settlement Program. The Court has appointed Daniel E. Gustafson, Christopher A. Seeger, and Patrick J. Stueve to represent the Settlement Class. These lawyers are referred to as “Settlement Class Counsel.” If you want to be represented by your own lawyer, you may hire one at your own expense.

8. I received information from my lawyer that seems different than the information in the Class Notice or the Settlement Website or the information that I received when I called the Settlement Program’s toll-free number.

You should always rely on the Class Notice or the Claims Administrator’s answers, as they have been approved by the Court.

E. Representative Claimants

1. [Who is a Representative Claimant?](#)
2. [How do I become a Representative Claimant?](#)
3. [How will the Claims Administrator determine whether my court order or other official document is sufficient proof that I can be a Producer Class Member's Representative Claimant?](#)
4. [How will the Claims Administrator determine whether my Power of Attorney \(POA\) is sufficient proof that I can be a legally incapacitated or incompetent Producer Class Member's Representative Claimant?](#)
5. [What happens if more than one person submits a Claim Form to attempt to act as a Representative Claimant for the same Producer Class Member?](#)
6. [What happens if a Producer Class Member of Representative Claimant becomes legally incompetent or incapacitated or dies after submitting a Claim Form?](#)
7. [I am the personal representative of the Estate of a deceased Class Member, and the Estate reported acreage under the Estate's TIN. How should I submit the Producer Claim?](#)
8. [Do you accept the FSA-211 Power of Attorney to allow a Farm Manager to act as a Representative Claimant?](#)
9. [I am the personal representative of the Estate of a deceased Class Member who reported acreage under his or her SSN. How should I submit the Producer Claim?](#)
10. [I am the personal representative of the Estate of a deceased Class Member. The Class Member reported acreage under his or her SSN for one or more years during the Class Period, and the Estate reported acreage under its own TIN for the other years. How should I submit the Producer Claim?](#)

E. Representative Claimants

1. Who is a Representative Claimant?

A Representative Claimant is an authorized representative of a deceased, minor, legally incapacitated or incompetent Producer Class Member, as ordered by a court or other official of competent jurisdiction under applicable state law. There are two ways to be authorized for purposes of this Settlement as the Representative Claimant for a Class Member. You must submit a copy of an order or other document showing that a state court or other official has appointed you as the representative of the Producer Class Member. For a legally incapacitated or incompetent Producer Class Member, you can also submit a copy of a “durable” or “springing” power of attorney (“POA”) signed by the Producer Class Member and naming you as authorized to act for him or her if he or she became legally incapacitated or incompetent. A POA is not sufficient to show authority to act on behalf of a deceased Producer Class Member.

2. How do I become a Representative Claimant?

To become a Representative Claimant for a deceased, minor, legally incapacitated, or incompetent Producer Class Member who did not previously submit a Claim Form, complete a Claim Form and upload or send the Claims Administrator a document proving your authority to act on his or her behalf. If you elect to mail the Producer Claim Form, you must complete Section III.

3. How will the Claims Administrator determine whether my court order or other official document is sufficient proof that I can be a Producer Class Member’s Representative Claimant?

This depends on whether the Producer Class Member is deceased, a minor, legally incapacitated or incompetent, as well as the laws of the state in which he or she last lived. Unless the Claims Administrator receives evidence that the Producer Class Member lived in a different state, it will use the Producer Class Member’s last known state of residence from the Claim Form. You can submit a copy of an order or other document showing that a state court or other official has appointed you as the representative of the Producer Class Member. For legally incapacitated or incompetent Producer Class Member, you also can submit a copy of a “durable” or “springing” power of attorney (“POA”) signed by the Producer Class Member and naming you as authorized to act for him or her if he or she became legally incapacitated or incompetent. A POA is not sufficient to show authority to act on behalf of a deceased Producer Class Member.

4. How will the Claims Administrator determine whether my Power of Attorney (POA) is sufficient proof that I can be a legally incapacitated or incompetent Producer Class Member’s Representative Claimant?

If you submit a “durable” or “springing” POA, it must name you as the agent for the Producer Class Member, be properly executed, and still be in effect.

5. What happens if more than one person submits a Claim Form to attempt to act as a Representative Claimant for the same Producer Class Member?

Because only one person can be the Producer Class Member's Representative Claimant, the Claims Administrator will contact each person who submitted a Claim Form and explain that someone else has submitted a Claim Form as a Representative Claimant for the same Producer Class Member. If one person provides a court order or other document showing that a local court or other official has appointed him or her to act on the Producer Class Member's behalf, that person will be the approved Representative Claimant. If no one trying to submit a Claim Form as Representative Claimant has a court order or other document confirming that he or she can act on behalf of the Producer Class Member and they cannot agree which of them should be the Representative Claimant, the Claims Administrator will ask each person to submit all of the documents they can to support their authority to act on behalf of the Producer Class Member. After receiving those documents, the Claims Administrator will review them and notify each person of the decision on who will act as the Representative Claimant.

6. What happens if a Producer Class Member or Representative Claimant becomes legally incompetent or incapacitated or dies after submitting a Claim Form?

If a Producer Class Member or Representative Claimant becomes legally incapacitated or incompetent or dies after submitting a Claim Form, someone new must step in as Representative Claimant on behalf of the Producer Class Member to pursue Settlement benefits. To become the Representative Claimant, the person authorized to act on the Producer's behalf must provide a sufficient Representative Claimant proof document showing that person's basis of authority to act on behalf of the Producer Class Member. The Claims Administrator will substitute the proposed Representative Claimant for the Producer Class Member or Representative Claimant. The substituted Representative Claimant must provide the Claims Administrator with a sufficient proof document before he or she can receive payment.

7. I am the personal representative of the Estate of a deceased Class Member, and the Estate reported acreage under the Estate's TIN. How should I submit the Producer Claim?

If the Estate reported acreage to the FSA using its own TIN during the Class Period, you must submit the Claim Form under the name of the Estate and its TIN. DO NOT complete the Representative Claimant section of the Producer Claim Form.

8. Do you accept the FSA-211 Power of Attorney to allow a Farm Manager to act as a Representative Claimant?

FSA-211 Power of Attorney forms are not sufficient to show a Farm Manager's authority to act as a Representative Claimant on behalf of a Producer. If a Farm Manager has some other Representative Claimant proof document as outlined in these FAQs, and the Producer is deceased, a minor, or legally incapacitated or incompetent, the Farm Manager may be able to serve as the Representative Claimant for that Producer.

9. I am the personal representative of the Estate of a deceased Class Member who reported acreage under his or her SSN. How should I submit the Producer Claim?

If the deceased Producer reported acreage under his or her SSN during the Class Period, you must complete the Representative Claimant section of the Producer Claim Form and submit the Claim Form with the deceased Producer's name and SSN.

10. I am the personal representative of the Estate of a deceased Class Member. The Class Member reported acreage under his or her SSN for one or more years during the Class Period, and the Estate reported acreage under its own TIN for the other years. How should I submit the Producer Claim?

You will need to submit two separate Producer Claim Forms: one for the deceased Class Member using his or her name and SSN, and one for the Estate Class Member using the name of the Estate name and its TIN.

F. Liens

1. [What is a lien?](#)
2. [Will the Claims Administrator withhold all or part of my settlement payment to satisfy an outstanding lien?](#)
3. [Who has jurisdiction to determine the enforceability of a lien?](#)
4. [What is the deadline for the timely assertion of a lien?](#)
5. [How does a lienholder notify the Claims Administrator of a lien?](#)
6. [What information must a lienholder provide with the lien notification?](#)
7. [What happens after a lienholder submits the requires information and documentation for a lien?](#)
8. [What happens if a Class Member disputes a lien?](#)
9. [How and when is a lien paid?](#)

F. Liens

1. **What is a lien?**

A lien is a legal claim by one person, known as the lienholder, against the property of another person arising out of a debt owed to the lienholder. For purposes of this settlement, a lienholder may file a lien with the Claims Administrator claiming that they are owed part or all of your settlement payment to satisfy a debt that you owe to the lienholder. Common types of liens that may be asserted by a lienholder are for unpaid child support obligations, tax liens, attorneys' liens or other unpaid debts. The Claims Administrator will always inform you if a lien has been asserted against your settlement payments and you will have an opportunity to dispute the lien asserted by the lienholder.

2. **Will the Claims Administrator withhold all or part of my settlement payment to satisfy an outstanding lien?**

Yes. Section 9.21 of the Settlement Agreement imposes a duty on the Claims Administrator to withhold all or part of a Class Member's payment if it receives notification of a lien, until such lien is satisfied.

3. **Who has jurisdiction to determine the enforceability of a lien?**

The appropriate court, as designated in Section 9.21 of the Settlement Agreement, has exclusive jurisdiction to decide the enforceability of a lien against any settlement payments under this Settlement.

4. **What is the deadline for the timely assertion of a lien?**

Before the Claims Administrator will consider a lien, the lienholder must provide the Claims Administrator with sufficient information to identify the Class Member against whom the lien is asserted, and the documents required by the Claims Administrator to establish that there is an obligation to withhold payment of all or part of a payment. If the Claims Administrator does not receive this information and documentation before it initiates the payment process, it will proceed with the payment process and will not honor the lien.

5. **How does a lienholder notify the Claims Administrator of a lien?**

To provide notice of an Attorney's Lien, Child Support Lien, Tax Lien, Judgment Lien, or UCC-Perfected Security Interest Lien a lienholder must notify the Claims Administrator by:

- (a) Email to Questions@CornSeedSettlement.com, using a secure and encrypted method, and include "ATTN: Corn Seed Liens" in the subject line;
- (b) Mail to the Corn Seed Settlement Program, Claims Administrator, P.O. Box 26226, Richmond, VA 23260; ATTN: Corn Seed Liens;

- (c) Delivery by overnight carrier to Corn Seed Settlement Program, c/o BrownGreer PLC, 250 Rocketts Way, Richmond, VA 23231, ATTN: Corn Seed Liens; or
- (d) Fax to (804) 521-7299, ATTN: Corn Seed Liens.

Child support agencies can provide a mass Income Withholding Order to the Claims Administrator, accompanied by a data file with the name and TIN of the persons who owe child support debts in the respective state to provide notice of Child Support Liens.

If you are the Class Member's current lawyer in the Settlement Program and believe that lien payments may interfere with recovery of your attorney's fees and costs, you must assert an Attorney's Lien to protect your fees and costs.

6. What information must a lienholder provide with the lien notification?

A lienholder must submit the following information to the Claims Administrator:

- (a) The Class Member's full name and Social Security Number, TIN, or Claimant ID;
- (b) The amount of the debt; and
- (c) Documents establishing that there is an obligation to withhold payment of all or part of a payment. The required documents vary depending on the type of lien:
 - (1) Attorney Liens: A copy of the lawyer's retainer agreement signed by the Class Member, and the dollar amount of the attorney's costs if he or she is seeking reimbursement of costs in addition to fees.
 - (2) Child Support Liens: An individual Income Withholding Order, a Notice of Income Assignment, or a substantially similar document from the appropriate federal or state child support agency or court establishing the current child support debt.
 - (3) Tax Liens: A Notice of Levy, a Notice of Freeze, or a substantially similar document from the federal, state, or local tax agency establishing the current amount of the tax debt.
 - (4) Judgment Liens: A copy of a file-stamped final judgment against the Class Member establishing the debt under applicable federal or state law. In the alternative, the Claims Administrator will accept a garnishment against a Class Member properly naming the Corn Seed Settlement Program or the Claims Administrator for the Program as a garnishee.
 - (5) UCC-Perfected Security Interest Liens: A copy of a security agreement signed by the Class Member in which the Class Member grants the lienholder a security interest in the proceeds of a Claim, or in the Class Member's "general intangibles" or "payment intangibles," and a copy of a UCC-11 Form or comparable evidence

from the appropriate filing office reflecting all UCC-1 Financing Statements filed against the Class Member, the dates of filing thereof, and that the lienholder is the holder of the first-ranking perfected UCC security interest in the proceeds of the claim.

The Claims Administrator will review the information and send the lienholder an email or a letter to acknowledge receipt of the assertion, confirm the lienholder's contact information, and inform the lienholder if it needs further information or documentation about the lien.

7. What happens after a lienholder submits the required information and documentation for a lien?

After a lienholder submits the required information and documentation, the Claims Administrator will place a hold on an appropriate portion of any settlement payment that may be made to the affected Class Member.

The Claims Administrator will issue a preliminary notice of lien to the Class Member and the lienholder. The Class Member's notice will include a copy of the supporting documents. The Class Member may, but does not have to, dispute the lien at that time. If and when the Class Member has a Claim approaching payment, the Claims Administrator will issue a final notice of lien. This notice advises the Class Member and the lienholder that the Claims Administrator received a valid lien assertion against the Class Member's settlement payment(s), specifies the current amount of the lien, and provides the Class Member with at least 20 days to consent or object to the lien and instructions on how to do so.

8. What happens if a Class Member disputes a lien?

If a Class Member disputes a lien, the Claims Administrator will withhold an amount sufficient to satisfy the lien, to the extent funds are available, until the dispute is resolved.

The Claims Administrator will issue a notice to the Class Member and the lienholder with instructions about how to resolve the dispute. The notice will explain that the Claims Administrator will withhold enough money to pay the lien, to the extent funds are available, until the dispute is resolved.

9. How and when is a lien paid?

If the Class Member consents to the lien, the Claims Administrator will deduct the lien amount from the settlement payment and pay the lien amount to the lienholder.

If the Class Member disputes the lien, the Claims Administrator will hold the lien amount until one of the following things happens:

- (a) The lienholder tells the Claims Administrator that the Class Member no longer owes the money;

- (b) The Class Member and the lienholder send the Claims Administrator a signed, written agreement telling the Claims Administrator how to pay the withheld money; or
- (c) The dispute is resolved by the requisite Court determining the current amount, if any, of the lien to be paid.

G. Payments

1. If the Claims Administrator determines that my claim is Eligible, when will I receive payment?

The Court will hold a hearing on November 15, 2018 commonly referred to as a Fairness Hearing, to decide whether to grant certification of the Settlement Class and whether to approve the Settlement. If the Court approves the Settlement after that, there may be appeals taken by objectors to the Settlement. Resolving those appeals often takes time, perhaps more than a year. Check the Settlement Website, www.CornSeedSettlement.com regularly for updates from the Claims Administrator on the timing of payments. Please be patient.

H. Bankruptcy

1. [Will the Settlement Program recognize bankruptcy proceedings?](#)
2. [How does the Settlement Program determine whether a Class Member is a Debtor Claimant?](#)
3. [How does a current or prior bankruptcy case affect my payment?](#)
4. [What is the Bankruptcy Review process?](#)
5. [Which Debtor Claimants must provide Bankruptcy Documents?](#)
6. [What Bankruptcy Documents must I provide to receive payment?](#)

H. Bankruptcy

1. Will the Settlement Program recognize bankruptcy proceedings?

Yes. Any claim filed with the Settlement Program by a Class Member who is or was a debtor in a bankruptcy proceeding (“Debtor Claimant”) may be property of the estate in the Debtor Claimant’s bankruptcy proceeding under Section 541 of the Bankruptcy Code if the bankruptcy proceeding was: (a) filed on or after the beginning of the Class Period, September 15, 2013; or (b) filed before September 15, 2013 but remains open and pending as of that date. 11 U.S.C. Section 541. The Claims Administrator cannot issue payment to a Debtor Claimant until determining whether the claim is the property of the bankruptcy estate and, if so, whether to direct payment to the Debtor Claimant or to the Bankruptcy Estate.

2. How does the Settlement Program determine whether a Class Member is a Debtor Claimant?

A Class Member is identified as a Debtor Claimant if:

- (a) The Class Member tells us that he or she is or was a debtor in a bankruptcy proceeding, presents an Order of a Bankruptcy Court, or presents a petition filed with the Bankruptcy Court indicating that he or she is or was a debtor in a bankruptcy proceeding;
- (b) A Bankruptcy Trustee or Bankruptcy Court tells the Claims Administrator that the Class Member is or was a debtor in a bankruptcy proceeding; or
- (c) The Claims Administrator determines at any point during claims processing, or is otherwise made aware, that the Class Member is or was a debtor in a bankruptcy proceeding.

After a Class Member has been identified as a Debtor Claimant, the Claims Administrator will inform the Class Member that they must provide bankruptcy documents and then places a hold on the claim to prevent payment until all bankruptcy requirements have been satisfied.

3. How does a current or prior bankruptcy case affect my payment?

If your claim is eligible for payment, the Claims Administrator must complete Bankruptcy Review to determine whether you will be required to provide Bankruptcy Documents before issuing any payment.

4. What is the Bankruptcy Review process?

During Bankruptcy Review, the Claims Administrator verifies the date your bankruptcy proceeding commenced, the chapter under which it was filed and, if applicable, the date the Bankruptcy Court closed or dismissed the case. The Claims Administrator compares this information to the date of the beginning of the Class Period, which is September 15, 2013, to determine whether the claim may be property of the bankruptcy estate under the United States

Bankruptcy Code. If a claim may be property of the bankruptcy estate, the Debtor Claimant will be required to provide Bankruptcy Documents before payment can be issued.

5. Which Debtor Claimants must provide Bankruptcy Documents?

The required Bankruptcy Documents depend on the bankruptcy case chapter, case commencement date, case disposition, disposition date and the date of the beginning of the Class Period, September 15, 2013.

(a) Bankruptcy Documents are not required for:

- (1) Any Debtor Claimant whose bankruptcy case was dismissed or closed before September 15, 2013; or
- (2) Any Chapter 11, 12, or 13 Debtor Claimant whose bankruptcy case is closed if: (a) it was filed before and still pending as of September 15, 2013; and (b) it has been more than 180 days since the entry of an order of confirmation.

(b) Bankruptcy Documents are required for:

- (1) All Debtor Claimants with open bankruptcy cases;
- (2) Any Chapter 7 Debtor Claimant whose bankruptcy case is closed but was filed before and still pending as of September 15, 2013;
- (3) Any Chapter 11, 12, or 13 Debtor Claimant whose bankruptcy case is closed if: (a) it was filed before and still pending as of September 15, 2013; and (b) it has been less than 180 days since the entry of an order of confirmation; and
- (4) Any Debtor Claimant whose bankruptcy case is closed but was filed on or after September 15, 2013.

6. What Bankruptcy Documents must I provide to receive payment?

If the Claims Administrator determines you must provide Bankruptcy Documents before paying your claim, you must provide either:

- (a) An Order from the Bankruptcy Court, a letter or email from the Bankruptcy Trustee, or other official Bankruptcy Documents showing:
 - (1) The claim was not property of the bankruptcy estate or that it was disclaimed, abandoned, or exempted in the bankruptcy proceeding; or
 - (2) The Bankruptcy Trustee does not intend to pursue the claim as a potential asset of the bankruptcy estate;

OR

(b) An Order from the Bankruptcy Court:

- (1) Approving the Settlement and payment of the claim;
- (2) Identifying the person or persons to whom payment is to be made;
- (3) Identifying the person or persons authorized to sign the Claim Form;

OR

A copy of an Order from the Bankruptcy Court, a letter or email from the Bankruptcy Trustee, or other official Bankruptcy Documents stating that the Class Period began after entry of a Discharge Order in the case.

I. Appeals

1. **If I do not agree with the award offered by the Claims Administrator, do I have an option to contest the award?**

Yes. Section 3.7.3.3 of the Settlement Agreement states that Class Members who do not agree with the Claims Administrator's decision may appeal the decision to the Special Masters. You will receive notice of the procedures established for such appeals when you get notice of your claim and they will be posted on the Settlement Website, www.CornSeedSettlement.com.