

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

IN RE: SYNGENTA AG MIR162)	MDL No. 2591
CORN LITIGATION)	
)	
This Document Relates to All Cases <u>Except</u> :)	Case No. 14-MD-02591-JWL-JPO
)	
<i>Louis Dreyfus Co. Grains</i>)	
<i>Merchandising LLC v. Syngenta AG,</i>)	
No. 16-2788)	
)	
<i>Trans Coastal Supply Co., Inc. v.</i>)	
<i>Syngenta AG, No. 14-2637</i>)	
)	
<i>The Delong Co., Inc. v. Syngenta AG,</i>)	
No. 17-2614)	
)	
<i>Agribase Int’l Inc. v. Syngenta AG,</i>)	
No. 15-2279)	
)	
)	

MOTION FOR ATTORNEY FEES and NOTICE OF FEE INTEREST

1. Pursuant to Sections 2.25–2.26, 3.7.2.1, and 7.2 of the Agrisure Viptera/Duracade Class Settlement Agreement (the “Settlement Agreement”) [Doc. No. 3507-2] and the Order Preliminarily Approving the Settlement Between Class Plaintiffs and the Syngenta Defendants, Provisionally Certifying the Settlement Class, Appointing Settlement Class Counsel Subclass Counsel, and Class Representatives, Approving the Notice Plan, and Authorizing Dissemination of Notice, Appointing the Notice Administrator and Claims Administrator and Special Masters, and Setting a Schedule for the Final Approval Process [Doc. No. 3532] in In Re: Syngenta AG MIR 162 Corn Litigation, a multi-district litigation consolidated in the United States District Court for the District of Kansas before Hon. John W. Lungstrum (MDL-2591), the undersigned counsel files this Notice of Fee Interest.

2. Dunk & Associates, PLLC (Dunk Law Firm) is unclear and confused about this Court's orders referenced above. Out of an abundance of caution and to avoid a waiver of fees argument, counsel respectfully submits this Motion for Attorney Fees and Notice of Fee Interest.

3. Attached to this motion as Exhibit A, and incorporated for all purposes into this motion is the Declaration of Orville O. Dunk.

4. Should any Court or Special Master require or request more detailed information related to these matters, it will be diligently gathered and provided upon request.

Dated: July 10, 2018

Respectfully Submitted,

DUNK LAW FIRM



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FOR THE DUNK PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 10, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all counsel of record.



Brenna L. Sanchez

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DECLARATION OF ORVILLE O. DUNK

I, ORVILLE O. DUNK, declare as follows:

1. I am over the age of twenty-one years old and make this declaration based on my personal knowledge. If called as a witness, I could and would testify competently to the facts contained herein, which are true and correct.

2. I am a member of Dunk & Associates, PLLC, dba Dunk Law Firm (hereinafter “the Firm”). I am authorized to submit this declaration on the Firm’s behalf.

3. Dunk Law Firm represents 50 clients in the Agrisure/Viptera litigation against Syngenta on a contingency basis (the "Dunk Plaintiffs"). In written fee agreements, each of these clients agreed to pay **20%** of any recovery in this matter as a contingent fee, in addition to expenses.

4. Our firm, including myself and our lead trial counsel Brenna L. Sanchez, has over 20 years of combined experience in the practice of law with an emphasis on litigation arising from negligence-based causes of action.

5. Because the Firm's representation is on a contingency basis, we did not closely track the time spent on this litigation. I estimate that the total Firm time spent on this matter is at least 1,000 hours.

6. The Firm also incurred \$41,755.99 in expenses.

7. The individuals in the Firm who worked on this matter are:

- A. Orville O. Dunk; Juris Doctorate 2004, University of Houston Law Center; Texas law license 2004; Wisconsin law license 2010; owner, Dunk Law Firm, 2008 to present. Practice emphasis on personal injury, property damage, civil rights, and wrongful death. I do not bill hourly, but would bill at the usual and customary hourly rate for my years of experience and the size of my firm at \$450/hr.
- B. Brenna L. Sanchez; Juris Doctorate 2009, St. Mary's University School of Law; Texas law license 2009; Wisconsin law license 2018 (pending); lead counsel, Dunk Law Firm, 2011 to present. Practice emphasis on wrongful death, personal injury, and property damage. Ms. Sanchez does not bill hourly, but would bill at the usual and customary hourly rate for her years of experience and the size of the firm at \$350/hr.
- C. Rosanna Al-hakeem; Juris Doctorate 2015, Thurgood Marshall School of Law; Texas law license 2015, associate attorney, Dunk Law Firm, 2016 to present. Ms. Al-hakeem does not bill hourly, but would bill at the usual and

customary hourly rate for her years of experience and the size of the firm at \$250/hr.

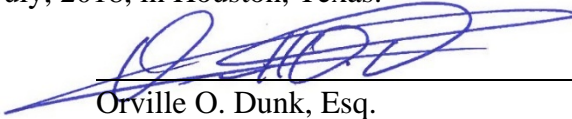
- D. Bianca Habib; Juris Doctorate 2016, South Texas College of Law; Texas law license 2016; associate attorney, Dunk Law Firm, 2016 to present. Ms. Habib does not bill hourly, but would bill at the usual and customary hourly rate for her years of experience and the size of the firm at \$250/hr.
- E. Elizabeth Garcia, paralegal (certified 2018) to Brenna L. Sanchez.
- F. Andrea Berbel and Ariela Crippa, administrative staff, no longer employed by the Firm.

8. The Firm kept informed about this case by communicating with other counsel, including Watts Guerra, reading court pleadings and public reports, and participating in status calls, so that I could advise my clients as to the progress of the case—and I did keep them so informed, including by phone calls, emails, and mailed correspondence.

9. In addition, our firm collected and reviewed all Plaintiff Fact Sheet data for our clients, which was time-consuming and required frequent communication with clients to remind them of deadlines. Whenever the Court issued a new deadline that required the farmers' personal responses, our office put in many hours making sure our clients understood the nature of the requirements and met the deadlines necessary. We continue to spend time and resources during the current claims submission process.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on this 10th day of July, 2018, in Houston, Texas.


Orville O. Dunk, Esq.