

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

IN RE: SYNGENTA AG MIR162)	MDL No. 2591
CORN LITIGATION)	
)	Case No. 14-MD-02591-JWL-JPO
This Document Relates to All Cases <u>Except</u> :)	
)	
<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)	
)	
)	

**O’HANLON DEMERATH & CASTILLO AND DEMERATH LAW OFFICE
SUPPLEMENT TO NOTICE OF FEE INTEREST [ECF NO 3599] AND SUPPLEMENT
AND JOINDER TO JOINT MOTION FOR ATTORNEYS FEES [ECF NO 3597] AND
BRIEF IN SUPPORT [ECF NO 3598]**

1. PLEASE TAKE NOTICE that the law firms of O’Hanlon, Demerath & Castillo and Demerath Law Office (“Movants”) hereby Join in the *Joint Motion for Award of Attorneys’ Fees and Reimbursement of Litigation Expenses* (ECF No 3597) and *Memorandum Brief in Support of Joint Motion for Award of Attorneys’ Fees and Reimbursement of Litigation Expenses* (ECF No 3598) filed by Phipps Anderson Deacon, Clark Love Huston, and Meyers & Flowers (“The Illinois Leadership Group”),¹ including, without limitation, the request that the Court award

¹ O’Hanlon, Demerath & Castillo and the Demerath Law Office are law firms that are included in the *Memorandum Brief in Support of Joint Motion for Award of Attorneys’ Fees and Reimbursement of Litigation Expenses* Exhibit A (ECF No 3598-1) and therefore also *Joint Motion for Award of Attorneys’ Fees and Reimbursement of*

one-third (1/3) of the \$1.51 billion gross Syngenta Agrisure Viptera/Duracade class settlement fund as attorneys' fees, the proposed division of said attorneys' fees amongst the various litigation groups, specifically a minimum of 17.5% to Illinois Leadership Group as well as their referring counsel, co-counsel, and/or joint venture partners, and the request that the Court refer the matter for Report and Recommendation to the Special Masters to implement process and procedures to recommend an allocation of proposed fees and expenses.

2. Given the undersigned's backgrounds as second and third generation corn farmers, Movants are and have been uniquely situated to effectively communicate with the client base at issue in this litigation and have worked tirelessly to use that background to aid in this litigation.

3. Movants have played an active role in the Syngenta corn litigation since its inception. Movants researched, drafted, and filed some of the very first corn producer complaints against Syngenta in the State of Nebraska. In early 2015, Movants filed what is believed to be the first 18 cases against Syngenta in Nebraska that were ultimately transferred to this MDL.

4. Over the course of the litigation, Movants have represented thousands of individual corn producers, grain handling facilities, and ethanol production facilities in nearly all corn producing states exclusively in conjunction with the Illinois Leadership Group as well as in partial conjunction with the multitude of law firms listed in the appendix to the *Declaration of Justin Demerath* (ECF No 3599-1), and Movants have performed all the attendant requirements of such duties more fully discussed in that document, which is incorporated herein by reference.

5. Movants have reviewed the *Declaration of Richard H. Ralston* (ECF No 3587-5) and concur that the hourly rate of \$572.21 is a reasonable hourly rate. Further, the rate of \$150 per hour is a reasonable hourly rate for non-attorney time.

Litigation Expenses (ECF No 3597). Justin Demerath is a member of both O'Hanlon, Demerath & Castillo and the Demerath Law Office; Larry Demerath is a member of Demerath Law Office only.

6. FURTHER PLEASE TAKE NOTICE that Pursuant to the *Order Regarding Attorney Fee Submissions* (ECF No 3613), the undersigned counsel files this supplement to the *Notice of Fee Interest* (ECF No 3599) and supplement to the *Joint Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses* (ECF No 3597) and *Memorandum Brief in Support of Joint Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses* (ECF No 3598) and specifically supplement with Appendix A and Appendix B, which are attached hereto. Appendix A consists of two spreadsheet "sheets", one for the hours expended and anticipated to be expended through the finalization of the litigation by the law firm O'Hanlon, Demerath & Castillo and the other for expenses incurred by the same firm.² Appendix B consists of two spreadsheet "sheets", one for the hours expended and anticipated to be expended through the finalization of the litigation by the Demerath Law Office and the other for expenses incurred by the same law firm.

7. Movants request the Court award fees and expenses in a manner that is fair and equitable and consistent with the firms' existing contingency contracts and attached information.

Date: August 3, 2018

Respectfully Submitted,

/s/ Justin Demerath

Justin Demerath

TX State Bar No. 24034415

NE State Bar No. 24244

O'HANLON, DEMERATH & CASTILLO

808 West Avenue

Austin, Texas 78701

Tel: (512) 494-9949

Fax: (512) 494-9919

jdemerath@808west.com

² Although attorney Justin Demerath is a member of Demerath Law Office, all time expended by this attorney is included exclusively in the spreadsheet of O'Hanlon Demerath & Castillo. No time for Justin Demerath is included in the Demerath Law Office spreadsheet.

/s/ Justin Demerath

Larry R. Demerath

NE State Bar No 10978

Justin Demerath

TX State Bar No. 24034415

NE State Bar No. 24244

DEMERTH LAW OFFICE

12829 West Dodge Road, Suite 201

Omaha, Nebraska 68154-2188

PH: (402) 677-5656

FAX: (800) 948-8125

EMAIL: demerathlaw@aol.com

CERTIFICATE OF SERVICE

I certify that on August 3, 2018, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record, with electronic copy emailed to Special Master Ellen Reisman.

/s/ Justin Demerath

Justin Demerath

APPENDIX A

OHANLON DEMERATH CASTILLO TASK PERFORMED	TIMEKEEPER	Approved Common Benefit Work		Other Work		Notes
		Hours	Fees	Hours	Fees	
PLEADINGS, BRIEFS, DISPOSITIVE MOTIONS						
Complaint drafting	Attorneys			201	\$115,014.21	
	Contract Attorneys					
	Non-attorneys			8	\$1,200.00	
Dispositive motion briefing/argument	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Class certification motion briefing and argument	Attorneys					
	Contract Attorneys					
	Non-attorneys					
DISCOVERY, DEPOSITIONS, DOC REVIEW						
Plaintiff fact sheet preparation/review	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Paper discovery (Syngenta and third parties)	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Paper discovery against plaintiffs	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Discovery motion practice and communications with adverse parties	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Fact depositions (Syngenta and third parties)	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Defend fact depositions (of plaintiffs)	Attorneys					
	Contract Attorneys					
	Non-attorneys					

Discovery file management	Attorneys Contract Attorneys Non-attorneys			
EXPERT WORK, DAUBERT MOTIONS				
Plaintiffs' expert witness work (including development of report, defense of depositions)	Attorneys Contract Attorneys Non-attorneys			
Defendant expert witness work (depositions)	Attorneys Contract Attorneys Non-attorneys			
Daubert motion practice (plaintiff experts)	Attorneys Contract Attorneys Non-attorneys			
Daubert motion practice (defense experts)	Attorneys Contract Attorneys Non-attorneys			
PRETRIAL PREP, TRIAL, AND POST TRIAL				
Motions in limine	Attorneys Contract Attorneys Non-attorneys			
Trial (presenting witnesses and argument)	Attorneys Contract Attorneys Non-attorneys			
Trial briefing and jury instructions	Attorneys Contract Attorneys Non-attorneys			
Other pretrial motion practice	Attorneys Contract Attorneys Non-attorneys			

Post-trial briefing	Attorneys Contract Attorneys Non-attorneys			
SETTLEMENT AND SETTLEMENT ADMINISTRATION				
Pre-settlement communication with clients	Attorneys		3442 \$1,969,546.82	Includes Client communication time and all time necessary to competently perform this task for the entire inventory of cases performed and anticipated to be performed between January 2015 through October 2018.
Settlement negotiations	Contract Attorneys Non-attorneys		2200 \$330,000.00	
Assisting clients in perfecting claims in settlement	Attorneys Contract Attorneys Non-attorneys			
	Attorneys		160 \$91,553.60	
	Contract Attorneys Non-attorneys		30 \$4,500.00	
Preparation of fee petition	Attorneys		8 \$4,577.68	
	Contract Attorneys Non-attorneys		2 \$300.00	
ADMINISTRATIVE				
Administrative work as court-appointed leadership	Attorneys Contract Attorneys Non-attorneys			
OTHER (describe in Notes)				
	Attorneys Contract Attorneys Non-attorneys			

Because the firms representation related to this litigation is on a contingency basis, it did not track the time spent on this litigation contemporaneously when it was spent. The values reflected herein are a good faith creation based on all available data of actual total time to date spent on this matter as well as an estimate of time to complete this matter in the future. Upon request, the firm can provide, for an in camera inspection, more detailed records detailing activities and time.

EXPENSES PAID	Amount	Notes
Common Benefit Assessment Fees	n/a	
Postage	7399.92	
Photocopying	5959	
Hotels	17993.16	
Meals	1920.63	
Mileage	316.3	
Air Travel	8931.53	
Court Fees	n/a	
Transcript Fees	n/a	
Ground Transportation	1164.17	
Expert/Consulting Fees Not Included in Common Benefit	n/a	
Special Master Fees	n/a	
Miscellaneous (Describe)		
GRAND TOTAL	\$43,684.71	

APPENDIX B

DEMERATH LAW OFFICES		Approved Common Benefit Work		Other Work		Notes
TASK PERFORMED	TIMEKEEPER	Hours	Fees	Hours	Fees	
PLEADINGS, BRIEFS, DISPOSITIVE MOTIONS						
Complaint drafting	Attorneys			120.5	68,951.31	
	Contract Attorneys					
	Non-attorneys			83.5	12,525.00	
Dispositive motion briefing/argument	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Class certification motion briefing and argument	Attorneys					
	Contract Attorneys					
	Non-attorneys					
DISCOVERY, DEPOSITIONS, DOC REVIEW						
Plaintiff fact sheet preparation/review	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Paper discovery (Syngenta and third parties)	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Paper discovery against plaintiffs	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Discovery motion practice and communications with adverse parties	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Fact depositions (Syngenta and third parties)	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Defend fact depositions (of plaintiffs)	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Discovery file management	Attorneys					
	Contract Attorneys					
	Non-attorneys					

	Attorneys Contract Attorneys Non-attorneys			
EXPERT WORK, DAUBERT MOTIONS				
Plaintiffs' expert witness work (including development of report, defense of depositions)	Attorneys Contract Attorneys Non-attorneys			
Defendant expert witness work (depositions)	Attorneys Contract Attorneys Non-attorneys			
Daubert motion practice (plaintiff experts)	Attorneys Contract Attorneys Non-attorneys			
Daubert motion practice (defense experts)	Attorneys Contract Attorneys Non-attorneys			
PRETRIAL PREP, TRIAL, AND POST TRIAL				
Motions in limine	Attorneys Contract Attorneys Non-attorneys			
Trial (presenting witnesses and argument)	Attorneys Contract Attorneys Non-attorneys			
Trial briefing and jury instructions	Attorneys Contract Attorneys Non-attorneys			
Other pretrial motion practice	Attorneys Contract Attorneys Non-attorneys			
Post-trial briefing	Attorneys			

	Contract Attorneys Non-attorneys				
SETTLEMENT AND SETTLEMENT ADMINISTRATION					
Pre-settlement communication with clients				Includes Client communication time and all time necessary to competently perform this task for the entire inventory of cases performed and anticipated to be performed between January 2015 through October 2018.	
	Attorneys		1933.5		1,105,962.00
	Contract Attorneys				
	Non-attorneys		1037		155,550.00
Settlement negotiations					
	Attorneys				
	Contract Attorneys				
	Non-attorneys				
Assisting clients in perfecting claims in settlement					
	Attorneys		185		105,820.00
	Contract Attorneys				
	Non-attorneys		75	11,250.00	
Preparation of fee petition					
	Attorneys		10	5,720.00	
	Contract Attorneys				
	Non-attorneys		10	1,500.00	
ADMINISTRATIVE					
Administrative work as court-appointed leadership					
	Attorneys				
	Contract Attorneys				
	Non-attorneys				
OTHER (describe in Notes)					
	Attorneys				
	Contract Attorneys				
	Non-attorneys				

Because the firm's representation related to this litigation is on a contingency basis, it did not closely track the time spent on this litigation contemporaneously when it was spent.

The values reflected herein are a good faith creation based on all available data of actual total time to date spent on this matter as well as an estimate of time to complete this matter in the future.

Upon request, the firm can provide, for an in camera inspection, more detailed records detailing activities and time.

EXPENSES PAID	Amount	Notes
EXPENSES PAID		
HOTELS AND LODGING	18,600.00	
MEALS	7,200.00	
CAR RENTAL	3,900.00	
AIR TRAVEL	2940	
PRINTING AND COPYING	650	
GROUND TRANSPORT	1,350.00	
SUPPLIES AND EQUIPMENT	425	
POSTAGE	250	
TOTAL EXPENSES	32,315.00	