

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

**IN RE SYNGENTA AG MIR 162 CORN  
LITIGATION**

**Master File No. 2:14-MD-02591-JWL-JPO**

**THIS DOCUMENT RELATES TO ALL  
CASES EXCEPT:**

**MDL No. 2591**

*Louis Dreyfus Company Grains Merchandising  
LLC v. Syngenta AG, et al., No. 16-2788-JWL-  
JPO*

*Trans Coastal Supply Company, Inc. v.  
Syngenta AG, et al., No. 2:14-cv-02637-JWL-  
JPO*

*The Delong Co., Inc. v. Syngenta AG et al., No.  
2:17-cv-02614-JWL-JPO*

*Agribase International Inc. v. Syngenta AG, et  
al., No. 2:15-cv-02279-JWL-JPO*

**JOINT MOTION FOR AWARD OF ATTORNEYS' FEES  
AND REIMBURSEMENT OF LITIGATION EXPENSES**

In accordance with Federal Rules of Civil Procedure 23(h) and 54(d)(2),<sup>1</sup> the law firms of Phipps Anderson Deacon, LLP, Clark Love Hutson, GP, and Meyers & Flowers, LLC (“Movants” or the “Illinois Leadership Group”), jointly and respectfully petition the Court to award and allocate one-third (1/3) of the Syngenta Agrisure Viptera/Duracade class settlement fund in the manner set out in the brief accompanying this Motion. Movants also seek reimbursement of necessary and reasonable litigation expenses in the total sum of \$7,665,415.73. This motion is

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<sup>1</sup> “Rule 23(h) sets forth the procedures for fee awards in class actions lawsuits; however, in doing so, Rule 23(h) explicitly adopts the procedures of Rule 54(d)(2), as applicable in the class context. Thus, motions for attorney’s fees in class suits are generally governed by both Rule 23 and Rule 54, as well as local versions of those rules, and judicial interpretations of them.” *Rubenstein*, 5 NEWBERG ON CLASS ACTIONS § 15:9 (Fifth Ed. 2015).

submitted in compliance with Section 7.2.1 of the Agrisure Viptera/Duracade Class Settlement preliminarily approved by the Court on April 10, 2018.<sup>2</sup> DN 3507-2, 3531, 3532. In accordance with District of Kansas Local Rules 7.1 and 7.6, this Motion is accompanied by a *Memorandum Brief in Support of Joint Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses*, which is filed herewith and incorporated herein by reference.

Dated: July 10, 2018

Respectfully submitted,

/s/ Martin J. Phipps

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<sup>2</sup> Section 7.2.1 states, in pertinent part: "Settlement Class Counsel and other counsel representing Class Members who performed work for the benefit of Class Members shall make Fee and Expense Applications . . . for a Fee and Expense Award." In granting preliminary approval of the settlement, the Court stated that any person "seeking attorneys' fees, expenses, or service/case contribution/incentive awards from the Settlement Fund must file a motion, including any supporting memoranda and materials, by the Fee and Expense Application Deadline." DN 3532.

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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 will accomplish service through the Notice of Electronic Filing for parties and attorneys who are Filing Users, including all counsel of record.

/s/ Martin J. Phipps  
MARTIN J. PHIPPS