

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

**IN RE SYNGENTA AG MIR162 CORN
LITIGATION**

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

*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*

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

MDL No. 2591

**SUPPLEMENT TO JOINT MOTION FOR AWARD OF ATTORNEYS’
FEES AND REIMBURSEMENT OF LITIGATION EXPENSES**

Pursuant to the Court’s Order Regarding Attorney Fee Submissions, entered on July 18, 2018 (ECF No. 3613), the law firms of PHIPPS ANDERSON DEACON LLP, CLARK LOVE HUTSON GP, and MEYERS & FLOWERS LLC (“Movants”) respectfully submit this Supplement to their Joint Motion for Award of Attorneys’ Fees and Reimbursement of Litigation Expenses and in support thereof, state as follows:

1. Movants timely submitted their Joint Motion for Award of Attorneys’ Fees and Reimbursement of Litigation Expenses on July 10, 2018. ECF Nos. 3597, 3798.
2. On July 18, 2018, this Court issued its Order Regarding Attorney Fee Submissions requiring the completion and submission of fee and expense spreadsheets by all fee and expense applicants, so that certain basic fee and expense information could be presented to the Court and

Special Masters in standardized summary format to facilitate review and evaluation of hours and expense data. ECF No. 3613.

3. Therefore, Movants attach hereto in PDF format their respective fee and expense spreadsheets.

4. The fee and expense spreadsheets for PHIPPS ANDERSON DEACON LLP are attached hereto collectively as **Exhibit A**.

5. The fee and expense spreadsheets for CLARK LOVE HUTSON GP are attached hereto as **Exhibit B**.

6. The fee and expense spreadsheets for MEYERS & FLOWERS LLC are attached hereto collectively as **Exhibit C**.

7. Following the submission of Movants' original fee petition and during the process of preparing the spreadsheets requested by the Court, PHIPPS ANDERSON DEACON LLP determined that certain of its attorney time had been erroneously omitted from Movants' original fee petition, including time related to the preparation of Movants' original fee petition. PHIPPS ANDERSON DEACON LLP also determined that certain other time it had incurred in prosecuting the litigation against Syngenta did not easily come within any of the fee categories established by the Court and should be non-billed. These adjustments are reflected on the attached **Exhibit A**. These adjustments do not affect the lodestar multiplier of 2.22 set out in Movants' original fee application. With respect to expenses, PHIPPS ANDERSON DEACON LLP has removed expenses which do not come within the categories established by the Court.

8. Movants represent that they have submitted electronic copies of their spreadsheets to the court-appointed Special Masters, Ellen K. Reisman and Daniel J. Stack, in Excel format by email, as directed by the Court.

For these reasons, Movants respectfully request that the Court grant their Joint Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses, and for any and all such further relief to which Movants may show themselves justly entitled.

Dated: August 3, 2018

Respectfully submitted,

/s/ Martin J. Phipps

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 3, 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

EXHIBIT “A”

PHIPPS ANDERSON DEACON LLP

Syngenta AG MIR162 Corn Litigation

Supplemental Time Submission

LEGAL FEES		Common Benefit Work		Other Work		Notes
TASK PERFORMED	TIMEKEEPER	Hours	Fees	Hours	Fees	
PLEADINGS, BRIEFS, DISPOSITIVE MOTIONS						
Complaint drafting	Attorneys	5,475.5	\$ 4,316,505.00			<i>Work includes</i> : drafting individual and class action complaints; investigation of claims and multi-jurisdiction legal research on various elements of state law causes of action; preparation of summonses and effectuation of service on multiple domestic and foreign defendants.
	Contract Attorneys					
	Non-attorneys	2,506.6	\$ 401,697.50			
Dispositive motion briefing/argument						<i>Work includes</i> : drafting and revising responses, replies in opposition to Syngenta's and grain trade defendants' motions to dismiss filed in multiple jurisdictions; research and preparation of outlines and legal memoranda; attorney collaboration and development of arguments; planning and preparing for presentation of oral argument; travel time associated with preparation and/or presentation of argument.
	Attorneys	5,079.5	\$ 3,757,855.00			
	Contract Attorneys					
Class certification motion briefing and argument	Non-attorneys	28.9	\$ 6,432.50			<i>Work includes</i> : drafting and revising response, reply and other substantive briefing related to the MDL class certification motion; legal research regarding class certification requirements under federal and state rules; drafting class allegations for producer and non-producer class action complaints pursuant to varying state class certification rules and procedures.
	Attorneys	894.2	\$ 626,495.00			
	Contract Attorneys					
	Non-attorneys					
DISCOVERY, DEPOSITIONS, DOC REVIEW						

PHIPPS ANDERSON DEACON LLP

Syngenta AG MIR162 Corn Litigation

Supplemental Time Submission

LEGAL FEES		Common Benefit Work		Other Work		Notes
TASK PERFORMED	TIMEKEEPER	Hours	Fees	Hours	Fees	
Plaintiff fact sheet preparation/review						<i>Work includes</i> : drafting and revising the Illinois Plaintiff Fact Sheet (PFS); negotiating PFS document production requests and disclosure requirements with opposing counsel; coordinating and preparing for conference calls, case management conferences and hearings before Judge Herndon and Judge Bleyer and Special Master Stack to resolve PFS-related disputes; numerous phone calls, letters, emails and in-person meetings with thousands of clients to identify, collect, organize, and store documents and information necessary to timely complete and submit each PFS.
	Attorneys	628.1	\$ 478,225.00			
	Contract Attorneys					
Paper discovery (Syngenta and third parties)	Non-attorneys	4,539.2	\$ 671,455.00			<i>Work includes</i> : drafting and revising requests for production and interrogatories to the Syngenta and grain trade defendants in Illinois state and federal courts; research related to each defendant entity for purpose of crafting discovery requests; drafting third-party subpoenas and document requests to numerous parties in Illinois and Iowa state courts.
	Attorneys	579.2	\$ 424,420.00			
	Contract Attorneys					
Paper discovery against plaintiffs	Non-attorneys	0.2	\$ 45.00			
	Attorneys					
	Contract Attorneys					
Discovery motion practice and communications with adverse parties	Non-attorneys					<i>Work includes</i> : drafting correspondence to opposing counsel regarding objections to document requests; analysis and discussion of discovery issues with co-counsel, opposing counsel and Special Master; preparation for and attendance at various hearings and conferences to resolve written discovery disputes.
	Attorneys	975.3	\$ 726,740.00			
	Contract Attorneys					
	Non-attorneys	1.4	\$ 315.00			

PHIPPS ANDERSON DEACON LLP

Syngenta AG MIR162 Corn Litigation

Supplemental Time Submission

LEGAL FEES		Common Benefit Work		Other Work		Notes
TASK PERFORMED	TIMEKEEPER	Hours	Fees	Hours	Fees	
Fact depositions (Syngenta and third parties)						<i>Work includes</i> : preparing 30(B)(6) deposition notices; review of numerous deposition cross-notices.
	Attorneys	11.4	\$ 7,375.00			
	Contract Attorneys					
	Non-attorneys					
Defend fact depositions (of plaintiffs)	Attorneys					<i>Work includes</i> : Review, coding and analysis of voluminous document production; communications with thousands of clients and hundreds of FSA and crop insurance offices to obtain farmer records.
	Contract Attorneys					
	Non-attorneys					
Discovery file management	Attorneys					
	Contract Attorneys					
	Non-attorneys					
	Attorneys	1,819.5	\$ 1,161,840.00			
	Contract Attorneys					
	Non-attorneys	18,497.7	\$ 3,800,607.50			
EXPERT WORK, DAUBERT MOTIONS						<i>Work includes</i> : Researching, interviewing and retaining more than a dozen agricultural economists to generate individual damage models; coordinating and leading numerous expert meetings to develop reports and analyze market loss damages.
Plaintiffs' expert witness work (including development of report, defense of depositions)						
	Attorneys	1,132.9	\$ 999,750.00			
	Contract Attorneys					
	Non-attorneys	273.1	\$ 61,447.50			
Defendant expert witness work (depositions)						
	Attorneys	107.3	\$ 94,225.00			
	Contract Attorneys					
	Non-attorneys					
Daubert motion practice (plaintiff experts)	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Daubert motion practice (defense experts)	Attorneys					
	Contract Attorneys					
	Non-attorneys					

PHIPPS ANDERSON DEACON LLP

Syngenta AG MIR162 Corn Litigation

Supplemental Time Submission

LEGAL FEES		Common Benefit Work		Other Work		Notes
TASK PERFORMED	TIMEKEEPER	Hours	Fees	Hours	Fees	
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	765.2	\$ 628,865.00			
	Contract Attorneys					
	Non-attorneys	13.6	\$ 3,060.00			
Post-trial briefing	Attorneys	405.1	\$ 295,435.00			
	Contract Attorneys					
	Non-attorneys					
SETTLEMENT AND SETTLEMENT ADMINISTRATION						
Pre-settlement communication with clients	Attorneys	22.5	\$ 17,940.00			
	Contract Attorneys					
	Non-attorneys	47,398.8	\$ 6,719,730.00			
Settlement negotiations	Attorneys	655.4	\$ 579,800.00			
	Contract Attorneys					
	Non-attorneys	23.7	\$ 10,530.00			
Assisting clients in perfecting claims in	Attorneys	833.8	\$ 630,350.00			
	Contract Attorneys					
	Non-attorneys	21,584.3	\$ 4,018,362.50			
Preparation of fee petition	Attorneys	399.1	\$ 283,090.00			
	Contract Attorneys					
	Non-attorneys	6.4	\$ 1,440.00			
ADMINISTRATIVE						

PHIPPS ANDERSON DEACON LLP

Syngenta AG MIR162 Corn Litigation

Supplemental Time Submission

LEGAL FEES		Common Benefit Work		Other Work		Notes
TASK PERFORMED	TIMEKEEPER	Hours	Fees	Hours	Fees	
Administrative work as court-appointed leadership	Attorneys Contract Attorneys Non-attorneys					
OTHER (describe in Notes)						
	Attorneys Non-attorneys	1,540.3 2,549.4	\$ 1,009,750.00 \$ 701,645.00			Opt-Outs <i>Work includes:</i> Working with thousands of corn producer clients to opt-out of the original nationwide Lanham Act corn producer class, 8 statewide corn producer classes, and the original Minnesota state corn producers class certified against Syngenta; drafting, revising opt-out forms and client correspondence; responding to MDL leaderships' proposed class notice. Unbilled Non-attorney Travel Time & Intrafirm Status Meetings <i>Work includes :</i> Non-attorney time originally billed and submitted in prior fee application, but excluded from the current total hours and fees ; non-attorney travel and attendance at client meetings; non-attorney team meetings to impart status and administrative information to paralegal staff; non-descriptive time entries for non-attorney supervisory or quality control tasks.
	Non-attorneys	12,913.8	\$ 2,390,900.00			
Gross total		131,661.4	\$34,826,327.50			
<i>less unbilled non-attorney hours</i>		12,913.0	\$ 2,390,900.00			
Total		118,748.4	\$32,435,427.50			

PHIPPS ANDERSON DEACON LLP**Syngenta AG MIR162 Corn Litigation****Expense Submission**

EXPENSES PAID	Amount	Notes
Common Benefit Assessment Fees		
Postage	\$ 590,199.36	
Photocopying	\$ 9,157.89	
Hotels	\$ 300,741.39	
Meals	\$ 110,927.16	
Mileage		
Air Travel	539,408.25	
Court Fees	\$ 58,371.14	
Transcript Fees	\$ 93.60	
Ground Transportation	\$ 76,660.66	
Expert/Consulting Fees Not Included in Common Benefit	\$ 2,114,954.51	
Special Master Fees		
Miscellaneous (Describe)	\$ 1,020,997.84	Documents/FSA records
	\$ 138,861.35	Phones
	\$ 120,909.35	Computers
	\$ 47,364.32	Lexis Nexis
	\$ 27,405.36	Producer Records
	\$ 6,381.60	Foreign Service
	\$ 1,812.54	Meeting Rooms Rental
	\$ 1,175.40	Service of Process
TOTAL	\$ 5,165,421.72	

EXHIBIT “B”

Clark, Love & Hutson, GP
Syngenta AG MIR162 Corn Litigation
Supplemental Time Submission

LEGAL FEES		Common Benefit Work		Other Work		NOTES
TASK PERFORMED	TIMEKEEPER	Hours	Fees	Hours	Fees	
PLEADINGS, BRIEFS AND DISPOSITIVE MOTIONS						
Complaint drafting	Attorneys	704.8	\$527,840.00			
	Contract Attorneys					
	Non-attorneys					
Dispositive motion briefing/argument	Attorneys	1543.2	\$1,151,375.00			
	Contract Attorneys					
	Non-attorneys					
Class certification motion briefing and argument	Attorneys	236.5	\$168,160.00			
	Contract Attorneys					
	Non-attorneys					
DISCOVERY, DEPOSITIONS, DOC REVIEW						
Plaintiff fact sheet preparation/review	Attorneys	43.8	\$32,310.00			
	Contract Attorneys					
	Non-attorneys					
Paper discovery (Syngenta and third parties)	Attorneys	460.8	\$303,760.00			
	Contract Attorneys					
	Non-attorneys					
Paper discovery against plaintiffs	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Discovery motion practive and communications with adverse parties	Attorneys	367.1	\$302,695.00			
	Contract Attorneys					
	Non-attorneys					
Fact depositions (Syngenta and third parties)	Attorneys	17.1	\$11,970.00			
	Contract Attorneys					
	Non-attorneys					
Defend fact depositions (of plaintiffs)	Attorneys					
	Contract Attorneys					

Discovery file management	Non-attorneys			
	Attorneys			
	Contract Attorneys			
	Non-attorneys			
EXPERT WORK, DAUBERT MOTIONS				
Plaintiffs' expert witness work (including development of report, defense of depositions)	Attorneys	283	\$233,360.00	
	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	12.4	\$9,655.00	
	Contract Attorneys			
	Non-attorneys			
Post-trial briefing	Attorneys			
	Contract Attorneys			
	Non-attorneys			

SETTLEMENT AND SETTLEMENT ADMINISTRATION					
Pre-settlement communication with clients	Attorneys	159.7	\$138,615.00		
	Contract Attorneys				
	Non-attorneys				
Settlement negotiations	Attorneys	932.3	\$883,835.00		
	Contract Attorneys				
	Non-attorneys				
Assisting clients in perfecting claims in settlement	Attorneys				
	Contract Attorneys				
	Non-attorneys				
Preparation of fee petition	Attorneys	195.9	\$182,515.00		
	Contract Attorneys				
	Non-attorneys				
ADMINISTRATIVE					
Administrative work as court-appointed leadership	Attorneys				
	Contract Attorneys				
	Non-attorneys				
OTHER (describe in Notes)					
	Attorneys				
	Contract Attorneys				
	Non-attorneys				

Clark, Love & Hutson, GP
Syngenta AG MIR162 Corn Litigation
Supplemental Expense Submission

EXPENSES PAID	AMOUNT	NOTES
Common Benefit Assessment Fees		
Postage		
Photocopying		
Hotels	\$53,262.09	
Meals	\$13,460.51	
Mileage		
Air Travel	\$23,438.67	
Court Fees	\$72,746.97	
Transcript Fees		
Ground Transportation	\$8,295.61	
Expert/Consulting Fees Not Included in Common Benefit	\$1,522,498.37	
Special Master Fees	\$428,896.66	
Miscellaneous (Describe)	\$88,925.00	Discovery
	\$83,581.33	Research
TOTAL	\$2,295,105.21	

EXHIBIT “C”

Meyers & Flowers, LLC
Syngenta AG MIR162 Corn Litigation
Supplemental Time Submission

LEGAL FEES		Common Benefit Work		Other Work		Notes
TASK PERFORMED	TIMEKEEPER	Hours	Fees	Hours	Fees	
PLEADINGS, BRIEFS, DISPOSITIVE MOTIONS						
Complaint drafting	Attorneys	1,006.0	\$672,366.00			
	Contract Attorneys					
	Non-attorneys					
Dispositive motion briefing/argument	Attorneys	875.0	\$605,372.00			
	Contract Attorneys					
	Non-attorneys					
Class certification motion briefing and argument	Attorneys	20.1	\$16,370.00			
	Contract Attorneys					
	Non-attorneys					
DISCOVERY, DEPOSITIONS, DOC REVIEW						
Plaintiff fact sheet preparation/review	Attorneys	2.0	\$1,650.00			
	Contract Attorneys					
	Non-attorneys					
Paper discovery (Syngenta and third parties)	Attorneys	192.6	\$109,090.00			
	Contract Attorneys					
	Non-attorneys					
Paper discovery against plaintiffs	Attorneys	454.2	\$259,615.00			
	Contract Attorneys					
	Non-attorneys					
Discovery motion practice and communications with adverse parties	Attorneys	74.9	\$41,370.00			
	Contract Attorneys					
	Non-attorneys					

MEYERS FLOWERS, LLC
Syngenta AG MIR162 Corn Litigaton
Supplemental Time Submission

Fact depositions (Syngenta and third parties)	Attorneys Contract Attorneys Non-attorneys	4.5	\$2,250.00		
Defend fact depositions (of plaintiffs)	Attorneys Contract Attorneys Non-attorneys				
Discovery file management	Attorneys Contract Attorneys Non-attorneys	513.8	\$258,240.00		
EXPERT WORK, DAUBERT MOTIONS					
Plaintiffs' expert witness work (including development of report, defense of depositions)	Attorneys Contract Attorneys Non-attorneys	150.3	\$124,365.00		
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				

MEYERS FLOWERS, LLC
Syngenta AG MIR162 Corn Litigaton
Supplemental Time Submission

Trial (presenting witnesses and argument)	Attorneys Contract Attorneys Non-attorneys				
Trial briefing and jury intructions	Attorneys Contract Attorneys Non-attorneys	10.0	\$5,000.00		
Other pretrial motion practice	Attorneys Contract Attorneys Non-attorneys	303.3	\$194,570.00		
Post-trial briefing	Attorneys Contract Attorneys Non-attorneys				
SETTLEMENT AND SETTLEMENT ADMINISTRATION					
Pre-settlement communication with clients	Attorneys Contract Attorneys Non-attorneys	640.1	\$426,740.00		
Settlement negotiations	Attorneys Contract Attorneys Non-attorneys	83.5	\$67,460.00		
Assisting clients in perfecting claims in settlement	Attorneys Contract Attorneys Non-attorneys	81.7	\$48,045.00		
Preparation of fee petition	Attorneys Contract Attorneys Non-attorneys	40.4	\$30,855.00		
ADMINISTRATIVE					
Administrative work as court-appointed leadership	Attorneys Contract Attorneys	197.2	\$126,270.00		

MEYERS FLOWERS, LLC
Syngenta AG MIR162 Corn Litigaton
Supplemental Time Submission

	Non-attorneys			
OTHER (describe in Notes)				
	Attorneys	110.5	\$90,910.00	Court Preparation and Attendance
	Attorneys	285.4	\$212,605.00	Pre Litigation Preparation & Research

MEYERS FLOWERS, LLC
Syngenta AG MIR162 Corn Litigation
Supplemental Expense Submission

EXPENSES PAID	Amount	Notes
Common Benefit Assessment Fees		
Postage	\$ 93.46	
Photocopying		
Hotels	\$ 2,816.82	
Meals	\$ 1,076.62	
Mileage	\$ 7,361.82	
Air Travel	\$ 4,718.81	
Common Benefit Assessment Fees		
Court Fees	\$ 50,304.00	
Transcript Fees	\$ 90.00	
Ground Transportation	\$ 803.99	
Expert/Consulting Fees Not Included in		
Common Benefit	\$ 19,950.00	
Special Master Fees		
Miscellaneous (Describe)	\$ 95.00	(Foreign registered agent service fees)
TOTAL	\$ 87,310.52	