## EXHIBIT 2

## IN THE UNITED STATES DISTRICT COURT DISTRICT OF KANSAS

IN RE SYNGENTA AG MIR 162	§	MDL No. 2591
CORN LITIGATION	§	
	§	Case No. 14-MD-02591-JWL-JPO
This Document Relates to All Cases <i>Except</i> :	§	
	§	
Louis Dreyfus Co. Grains	§	
Merchandising, LLC v. Syngenta AG,	§	
No. 16-2788	§	
	§	
Trans Coastal Supply Co., Inc., v.	§	
Syngenta AG, No. 14-2637	§	
	§	
The Delong Co., Inc. v. Syngenta AG,	§	
No. 17-2614	§	
	§	
Agribase Int'l Inc. v. Syngenta AG,	§	
No. 15-2279	§	

## **DECLARATION OF DANIEL ALLEN HOSSLEY**

Pursuant to 28 U.S.C. sec. 1746, I, Daniel Allen Hossley, declares as follows:

- I am an attorney in good standing licensed to practice law in the State of Texas, the State
  of South Dakota and the State of Mississippi. I am also admitted to practice law before
  the United States District Court for the Northern District of South Dakota, Northern and
  Eastern Districts of Texas and before the Supreme Court of Mississippi. I am admitted
  pro hac vice to United States District Court for Northern District of Iowa, Western
  Division and other state courts across the United States.
- 2. I am the managing partner of the law firm, Hossley-Embry, LLP, with offices in Dallas and Tyler, Texas and Denver, Colorado, with our principal office in Tyler, Texas. I have been practicing law for over twenty-two years. Our firm represents plaintiffs in complex product liability cases and mass tort cases across the United States.
- 3. I am the lead counsel in over 650 individually filed corn producer cases pending in the Federal MDL Court before the Honorable Judge Lungstrum. The plaintiffs that my firm

represent reside and produce corn in South Dakota and Iowa with a few from Minnesota and North Dakota. I have personal knowledge of the statements made in this Declaration and, if called as a witness, I could testify competently to each statement made within this Declaration. I make this Declaration in support of the Hossley-Embry Plaintiffs' Motion for an Award of Attorneys' Fees and the Memorandum in Support thereof.

- 4. My law firm began filing its first cases on behalf of the corn producer farmers against the Syngenta Corporation and the other Defendants back in approximately October of 2015 in the United States District Court for the District of South Dakota, Northern Division and in November of 2015, my co-counsel, Redenbaugh & Mohr, PC, of Storm Lake, Iowa, began filing our cases in the United States District Court Northern District of Iowa Western Division. Since filing our first case, my firm along with Redenbaugh & Mohr, PC, have filed over 650 individual corn producing farmers' cases, <u>each with their own separate cause numbers</u>. All of my firm's individually filed cases are now pending before this Honorable MDL Court.
- 5. My firm along with our Plaintiffs have been actively involved in the work up of their individual cases. Over the past four years, my staff and I worked with each of our clients, their local Farm Services Administration ("FSA") offices, local crop insurance agencies, and other local elevators, ethanol plants, and seed sales offices to provide all of the supporting documents as required by the Court.
- 6. The Hossley-Embry Plaintiffs produced two of the bellwether plaintiffs from South Dakota, Jon Anderson and Chad Murphy, in the Federal MDL proceedings, both of whom, with the full assistance of my law firm, participated in the discovery process, including responding to discovery and producing the plaintiffs for their depositions.
- 7. With each and every client that our firms represent, each client entered into a binding

33% contingency fee agreement. This agreement only allows my firm and its co-counsel to receive fees only if the client is awarded a recovery. Moreover, Hossley-Embry Plaintiffs' counsel agreed not to charge their clients any expenses related to the litigation of their claims. Simply put, Hossley-Embry counsel has a straight one-third two-third's agreement with each and every client they represent.

- 8. Based on the current calculations of total time spent on the corn litigation, my firm along with Redenbaugh & Mohr spent over 10,279 man-hours from filing their Original Complaints until today in preparing our clients claim forms to meet the deadlines set by the Court. These hours continue to rise as our firms have scheduled in-person meetings with each and every client beginning the first of August to review the clients' claim forms and assist the clients with filing the claim forms.
- 9. Additionally, the Hossley-Embry Counsel spent 159 attorney hours and 62 non-attorney hours assisting our two bellwether cases, Jon Anderson and Chad Murphy, through the discovery phase in anticipation for trial. For details of worked performed by Hossley Embry attorneys, *see* Exhibit A, attached hereto and incorporated herein.
- 10. Hossley-Embry counsel has incurred \$285,645.56 in client expenses, of which,\$193,258.10 was for court cost in filing each of the Producer-Plaintiff cases individuallyin the United States District Courts of South Dakota and Iowa.
- 11. When Hossley-Embry counsel is employed by a client on an hourly basis, the firm charges \$450.00 per hour for attorneys and an average of \$75.00 an hour for paralegals and legal assistants.
- 12. In calculating the total hours of 5,059.5 hours performed by the Hossley-Embry attorneys and their associated counsel, multiplied by \$450.00 an hour, equates to \$2,276,775.00.
- 13. In calculating the total hours of 5,440 performed by the Hossley-Embry paralegals and

legal assistants, multiplied by \$75.00 an hour, equates to a total of \$408,000.

- 14. The two amounts stated herein above in lines 12 and 13, added together, equals a total fee interest in the Hossley Embry and its associated counsel cases of \$2,684,775.00
- 15. I declare under penalty of perjury that the forgoing is true and correct.

Executed on August 1, 2018, in Tyler, Texas.

/s/ Daniel Allen Hossley D. Allen Hossley

## EXHIBIT A

Date	Hossley Embry Attorney's Work for Bellwethers - CHAD MURPHY and JON ANDERSON ONLY	Туре	Time Spent on PFS	Time Spent on Discovery Discovery Mgt.	Time Spent on to Defend Clients' Depos	Perfecting Claim Form	Total Time Spent on SD Bellwether Cases
11/17/2015	Email and response to Dirk Hubbard and Tom Bender regarding selection of Hossley Embry clients' cases for Bellwether cases.	PFS	1				1
11/18/2015	Travel to Sioux Falls for Bellwether Client meetings Jon Anderson and Chad Murphy	PFS	8				8
11/19/2015	Phone Conference with William Chaney, Dirk Hubbard and Tom Bender regarding South Dakota Bellwether cases	PFS	1				1
11/19/2015	Review of Client Cases in Selection of BellWether Cases	Disc		4			4
11/20/2015	Email to Dirk Hubbard and Tom Bender regarding two potential bellwether cases - Jon Anderson and Chad Murphy	Disc		1			1
11/20/2015	Review of William Chaney's emails regarding Plaintiffs' Fact Sheets for Anderson and Murphy	PFS	0.5				0.5
11/20/2015	Travel home from Sioux Falls from Bellwether Client meetings	Disc		8			8
11/21/2015	Review of Clients' documents including FSA 578s, Seed sales records, insurance records, corn sales receipts plats and other client materials.	PFS	4				4
11/21/2015	Phone Conference with Chad Murphy	PFS	1				1
11/21/2015	Phone Conference with Jon Anderson	PFS	1				1
11/23/2015	Email exchange with William Chaney	PFS	0.5				0.5
11/24/2015	Emails and Phone Confernece with Dirk Hubbard regarding Bellwether production of docuemnts	PFS	1.5				1.5
11/24- 11/25/15	Email exchanges with Dirk, Chris Randolph, Dax Whitfield regarding Bellwether cases production of documents	PFS	1				1
11/27/2015	Research, obtain and review all Bellwether clients documents responsive to Plaintiffs' Fact Sheet for Murphy and Anderson	PFS	5				5
11/28/2015	Production of Bellwether clients documents and emails with Chris Randolph	PFS	0.5				0.5
11/28/2015	Review of discovery request from Syngenta	Disc		1.5			1.5
11/30/2015	Production of Jon Anderson's documents	Disc		0.5			0.5
12/1/2015	Phone Conference with Chad Murphy and Jon Anderson regarding responses to Request for Production	Disc		4			4
12/1/2015	Review of emails and respond to Defendants' Request for Production to Producer Chad Murphy and Jon Anderson	Disc		3			3
12/3/2015	Review, Draft and Provide Dirk Hubbard and Chris Randolph with supplemental responses to Porduction of Documents	Disc		2			2

Date	Hossley Embry Attorney's Work for Bellwethers - CHAD MURPHY and JON ANDERSON ONLY	Туре	Time Spent on PFS	Time Spent on Discovery Discovery Mgt.	Time Spent on to Defend Clients' Depos	Perfecting Claim Form	Total Time Spent on SD Bellwether Cases
12/4-12/6/15	Scheduled Bellwether Client's Deposition including cooridination phone conferences with Dirk Hubbard and Tom Bender for times and locations. Schedule dates for pre-depo meetings with Hossley Embry Bellwether Clients.	Disc		1			1
12/7/2015	Conference Call with Dirk Hubbard, William Chaney regarding Hossley Embry Bellwether Clients' depositions	Disc		1			1
12/8/2015	Review of email exchanges between Dirk Hubbard, William Chaney and Tom Bender regarding Hossley Embry Bellwether depositions.	Depo			1		1
12/9-12/11/15	Review of all Hossley Embry cases to provide additional potential Bellwether cases to William Chaney and Dirk Hubbard	Disc		6			6
12/14/2015	Obtain, review and prepare documents for production to Syngenta Request for Production from Chad Murphy and Jon Anderson. Review of emails from Dirk Hubbard and staff.	Disc		4			4
12/15- 12/16/15	Email exchange with William Chaney, Dirk Hubbard and Tom Bender regarding meeting in Sioux Falls for Hossley Embry Bellwether clients	Depo			1		1
12/123/15	Draft letters to Bellwehter clients Murphy and Anderson regarding deposition prep meetings and deposition schedule.	Depo			1		1
1/2/2016	Phone Conference with Chad Murphy and Jon Anderson regarding depositions and meetings.	Depo			3		3
1/4/2016	Review of discovery, documents and emails in response to Dirk Hubbard to prepare for Bellwether Clients' deposition	Disc		2			2
1/6/2016	Email exchanges with Dirk, Chris Randolph, Dax Whitfield regarding Bellwether cases production of documents	Disc		0.5			0.5
1/7/2016	Review of discovery, documents and emails in response to Dirk Hubbard for Bellwether Clients production of documents	Disc		2			2
1/8/2016	Produce additional documents for Bellwether Clients Murphy and Anderson	Disc		2			2
1/9-1/10/16	Phone Conference with Chad Murphy and Jon Anderson regarding depositions and meetings. Review and draft emails to Dirk Hubbard regarding same.	Disc		2.5			2.5
1/10/2016	Travel to Sioux Falls for Bellwether Client meetings Jon Anderson and Chad Murphy	Depo			8		8
1/11/2016	Meeting with Jon Anderson	Depo			3		3

Date	Hossley Embry Attorney's Work for Bellwethers - CHAD MURPHY and JON ANDERSON ONLY	Туре	Time Spent on PFS	Time Spent on Discovery Discovery Mgt.	-	Perfecting Claim Form	Total Time Spent on SD Bellwether Cases
1/12/2016	Meeting with Chad Murphy	Depo			3		3
1/11/2016	Open drop box for uploading documents responsive to request for production of documents. Draft email communications to Dirk Hubbard, Dax Whitfield, Chris Randolph. Review Schedule F's and assembly sheets for Bellwether Anderson. Produce to all above. Review additional emails re Anderson's PFS and complaint	Depo			4		4
1/12/2016	Obtain, review and prepare additional documents for production to Syngenta Request for Production for Jon Anderson. Review and draft emails to Dirk Hubbard, Chris Randolph and staff.	Depo			5		5
1/12/2016	Pre-Depo Meeting, Deposition and Post deposition meeting of Hossley Embry Bellwether Client - Jon Anderson	Depo			10		10
1/13/2016	Pre-Depo Meeting, Deposition and Post deposition meeting of Hossley Embry Bellwether Client - Chad Murphy	Depo					
1/13/2016	Travel home from Sioux Falls from Bellwether Client meetings	Depo			8		8
1/12-1/13/16	Review and respond to multi emails from Chris Randolph egarding production of documents for Murphy and Anderson	Disc		1.5			1.5
1/13/2016	Review of emails from Tom Bender and Sarah Vaney regarding produced documents and documents requested in deposition. Meeting with staff to locate and obtain documents	Disc		1			1
1/16/2016	Review of Chris Randolph's email and responses to Request for Production of Documents	Disc		1			1
1/18/2016	Email exchange with Dirk Hubbard and Tom Bender regarding producing additional rental agreements, bank financing records, contracts,check register, balance sheets, elevator grind sheets and ticketed history. Meeting with staff to obtain additional documents from Bellwether clients, Murphy and Anderson.	Disc		2			2
2/15-3/22016	Review of emails. Obtain, review and respond to Defendants' Request for Production to Producer Chad Murphy and Jon Anderson. Cooridinate with staff on productioin additional documents for Bellwethers regarding personal owned land , futures contracts, written lease agreements with landlords, and hedge contracts from 2011-2014.	Disc		5			5

Date	Hossley Embry Attorney's Work for Bellwethers - CHAD MURPHY and JON ANDERSON ONLY	Туре	Time Spent on PFS	Time Spent on Discovery Discovery Mgt.	Time Spent on to Defend Clients' Depos	Pre-SMT Comm's with Client	Perfecting Claim Form	Total Time Spent on SD Bellwether Cases
3/24-3/26/16	Review and draft responses to rogs and request for production for Bellwethers Murphy and Anderson. Phone conferences with Bellwether clients regarding discovery responses	Disc		4				4
3/28/2016	Phone Conferences with Bellwethers Chad Murphy and Jon Anderson regarding discovery responses. Review and draft emails to Dirk Hubbard regarding same.	Disc		2				2
4/12/2016	Phone Conference with Bellwethers Chad Murphy and Jon Anderson regarding discovery responses. Review and draft emails to Dirk Hubbard regarding same.	Disc		2				2
6/15-7/1/16	Produce additional documents for Bellwether Clients Murphy and Anderson	Disc		4				4
7/15/2016	Phone Conference with Chad Murphy and Jon Anderson regarding additional production of documents and responsive.	Disc		2				2
7/28/2016	Phone Confernce with William Chaney	Disc		1.5				1.5
8/20/2016	Review emails from Dirk Hubbard, Tom Bender and others regardin Bellwether Client Jon Anderson	Disc		1				1
	Advising Bellwethers Murphy and Anderson of settlemnet	Pre-SMT				2		2
	Assist Client with Claim Form and meeting to review	Perfect Claim Form					5	5
	TOTAL		25	72	47	2	5	151