

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

IN RE: SYNGENTA LITIGATION

Case Type: Civil Other
Hon. Laurie J. Miller

This Document Relates to:
All Cases

FILE NO. 27-CV-15-12625
and FILE NO. 27-CV-15-3785

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

**IN RE: SYNGENTA AG MIR162
CORN LITIGATION**

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

This Document Relates to:
All Cases Except:

MDL No. 2591

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

*Trans Costal 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*

**BORGESS LAW, LLC'S SUBMISSION OF EXCEL SPREADSHEET IN SUPPORT OF
ITS MOTION FOR AWARD OF ATTORNEYS FEES AND REIMBURSEMENT OF
COSTS**

In accordance with the 7/18/18 MDL Order regarding Attorney Fee Submissions, Borgess Law, LLC hereby submits the following excel spreadsheet attached hereto as EXHIBIT A that

further supports Borgess Law, LLC's 7/10/18 Motion for Award of Attorneys Fees and Reimbursement of Costs and Memorandum in Support filed in *In re: Syngenta Litigation* (Case No. 27-cv-15-3785 Hennepin County, MN).

Borgess Law, LLC's 7/10/18 motion asked the Court to honor its contingency fee contracts with its clients and award payment of the contractually agreed upon fees & expenses on its clients' gross recoveries from any fund created to pay attorneys' fees and expenses arising out of the preliminarily approved class action. The motion further requested that in the alternative, to the extent the Court awarded attorneys representing individual claimants based on a reasonable hourly fee for time and costs incurred in the prosecution of the action, Movant requested leave to supplement its request with detailed time reports of the Firm detailing its 273.95 hours (reflected on the required EXHIBIT A), and any other information or documentation the Court may require.¹

It should also be noted that at the time of the filing of its fee petition, Borgess Law, LLC was unable to confirm whether its time spent collecting, compiling and serving PFSs on Syngenta had been approved and submitted by MN leadership as approved Common Benefit time as part of the 7/10/18 Minnesota Co-Lead Counsel's Joint Motion of Approval of Common Benefit Award. It has since been verified that Borgess Law, LLC's common benefit time for PFS work was in fact approved and submitted by MN Co-lead Counsel as part of said motion (see attached EXHIBIT B) and is reflected as such on EXHIBIT A.²

¹ To the extent the Court also requires detailed time reports providing further description for the 273.95 hours on the Excel Spreadsheet, Borgess Law requests leave to immediately supplement its motion.

² As described in the fee petition, Borgess Law, LLC is not seeking double recovery. Instead, if Movant's time for Plaintiff Fact Sheet work is ultimately approved and awarded by the Court, Movant would request that the Court deduct any approved common benefit award to Movant from any total requested or awarded pursuant to its application to ratify its contingency fee contracts.

Date: 8/3/18

Respectfully Submitted,

/s/ Pamela A. Borgess
Pamela A. Borgess
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed with the Clerk and an electronic copy served upon all counsel of record this 3rd day of August, 2018.

/s/ Pamela A. Borgess
Pamela A. Borgess

BORGESS LAW, LLC

LEGAL FEES		Approved Common Benefit Work		Other Work		Notes
TASK PERFORMED	TIMEKEEPER	Hours	Fees	Hours	Fees	
Complaint drafting	Attorneys			17.30	\$6,920.00	Preparation of Borgess Law, LLC Client Complaints
	Contract Attorneys					
	Non-attorneys					
Dipositive 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						Communications with Borgess Law, LLC clients re necessary PFS documents; obtained, reviewed, sorted, bate-stamped all required 2011-current documents including FSA Form 578s; all documents (such as seed purchase receipts) showing the type of corn seed each client purchased; documents showing each client's sales or contracts for sale of corn (such as sales contracts, settlement sheets and grain elevator summary reports); all documents for crop insurance related to corn for the various year (including crop insurance policies and schedules of insurance summaries), follow up with clients and 3rd parties re missing information; discussions with Clients re produced documents; assistance with filling out information and charts required in the PFS; preparation of PFS package for service on defense; service on defense; and/or supplementation of clients' PFSs, etc.
	Attorneys	68.70	\$27,480.00			
	Contract Attorneys	0.00	\$0.00			
	Non-attorneys	3.30	\$577.50			
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						Various calls, discussions, written communications, including update letters with Borgess Law Clients over the course of the litigation re status, specific client questions, and anticipated & proposed (but not yet preliminarily approved) settlement.
	Attorneys			25.15	\$10,060.00	
	Contract Attorneys					
Settlement negotiations	Non-attorneys					
	Attorneys					
	Contract Attorneys					
Assisting clients in perfecting claims in settlement	Non-attorneys					Assisting with claim forms, following up on missing data, etc. for all Borgess Law, LLC clients. (through June, 2018)
	Attorneys			7.30	\$2,920.00	
	Contract Attorneys					
Preparation of fee petition	Non-attorneys					
	Attorneys					
	Contract Attorneys					
ADMINISTRATIVE						
Administrative work as court-appointed leadership	Attorneys					
	Contract Attorneys					
	Non-attorneys					

OTHER (describe in Notes)

All other time spent on individual Borgess Law LLC client files not specified above. (See Notes section for description.)						Opening electronic and hard files for all Borgess Law clients. Creating, maintaining, updating, and organizing all Borgess Law client data in various spreadsheets. including entering all clients' data into an excel spreadsheet. Scanning and uploading various client documents into legal database. Litigation/client updates. Client calendared events/deadlines pursuant to Court Orders and update of various client spreadsheets and files to ensure compliance with any and all deadlines. Client specific issues and questions, including issues about proper parties to assert claims of various entities and resolution of same.
	Attorneys			152.20	\$60,880.00	
	Contract Attorneys					
	Non-attorneys					

EXPENSES PAID	Amount	Notes
Common Benefit Assessment Fees	\$0.00	
Postage	\$50.65	Client letters and document requests.
Photocopying	\$148.00	Client documents
Hotels	\$0.00	
Meals	\$0.00	
Mileage	\$0.00	
Air Travel	\$0.00	
Court Fees	\$1,259.60	Filing fees
Transcript Fees	\$0.00	
Groud Transportation	\$0.00	
Expert/Consulting Fees Not Included in Common Benefit	\$245.00	Ethicist Fee for Review of Client Specific Matter
Special Master Fees	\$0.00	
Miscellaneous (Describe)	\$0.00	

TOTAL	\$1,703.25	
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Total		
FIRM	Total Hours Submitted	Total Lodestar Submitted
Adams Rizzi	228.20	\$144,201.75
Adelman	241.50	\$60,375.00
Alejandro	47.00	\$9,400.00
Allen Wellman	98.75	\$34,562.50
Arndt Buswell	155.00	\$21,950.00
Awbrey Law	147.55	\$117,607.50
Barber Segatto	243.85	\$67,058.75
Barkan	596.75	\$86,740.80
Barrett Easterday	184.75	\$45,080.00
Barrett McNaghy	37.70	\$11,025.00
Bearman	11.55	\$2,482.50
Bernatz	20.58	\$2,778.30
BFW Law	14.80	\$4,810.00
Bird Jacobsen Stevens	534.93	\$190,794.50
Blakeman	55.50	\$7,612.50
Bloom	113.55	\$77,835.00
Borgess	72.00	\$28,057.50
Bose McKinney	1,945.00	\$638,039.50
Brand Morelock	140.70	\$35,175.00
Brennan Steil	25.80	\$6,450.00
Brett Dunn	457.95	\$135,303.00
Bridewell	0.90	\$135.00
Burns Cronauer	285.05	\$61,513.00
Caldwell	61.75	\$9,797.00
Call and Gentry	242.40	\$85,440.00
Carpenter Schumacher	75.75	\$34,087.50
Caughey Legner	635.90	\$123,266.25
Charles H Johnson	4,897.85	\$1,469,355.00
Clark and Clark	87.10	\$9,760.00
Clark Mason	58.55	\$38,057.50
Clendening Johnson	15.60	\$3,920.00
Cline Williams	34.40	\$9,210.50
Cohen Land	14.80	\$4,810.00
Cole Easley	195.80	\$68,617.50
Connors	443.50	\$97,418.50
Coots Henke	25.60	\$6,400.00
Coxwell	533.80	\$160,140.00
Cress	76.90	\$10,533.50
Critchfield	25.30	\$5,890.00
Cross Law	7,557.78	\$3,890,754.75
Culbertson Allen	58.70	\$11,726.40
Darling	42.00	\$10,500.00
Deane Twins	916.30	\$365,920.00
Delzer	339.00	\$161,862.50