

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN**

**DISTRICT COURT  
FOURTH JUDICIAL DISTRICT**

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**IN RE: SYNGENTA LITIGATION**

Case Type: Civil Other  
Court File No.: 27-CV-15-3785  
Honorable Laurie J. Miller

This Document Relates to:  
All Cases

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**SUPPLEMENT TO MOTION FOR AWARD OF ATTORNEY FEES AND  
REIMBURSEMENT OF COSTS OF WRIGHT & SCHULTE, LLC ON BEHALF OF  
ITSELF AND ITS CLIENTS AS WELL AS ASSOCIATED FIRMS**

Wright & Schulte, LLC by itself and jointly with other law firms (collectively, “WS Law” or the “Firm”), submits this Supplement on behalf of the Firm and the Firm’s clients (the “WS Plaintiffs”) (collectively, “Movants”), pursuant to MDL Court’s Order Preliminarily approving the class action settlement in this case and dated April 10, 2018 [Doc. 2591] and Federal Rule of Civil Procedure 23 to supplement its previously submitted Motion for Award of Attorneys’ Fees and Reimbursement of Costs (the “WS Fee Motion”) in both the District Court of Kansas and in Minnesota State Court actions. The Firm was one of many such petitioners who filed similar motions for fees. On July 18, 2018, the District Court of Kansas issued an “Order Regarding Attorney Fee Submissions” (the “Order”) which requires, in relevant part, that Petitioners (such as this Firm) supplement their respective fee petitions with a fee and expense form created by the Court. Movants are filing this pleading in the District Court of Kansas and in Minnesota State Court since the Firm also filed the initial WS Fee Motion previously in both Courts.

Attached as Exhibit 1 to this Supplement is the PDF version of the spreadsheet required by the Court. Consistent with the Order, Movants have submitted the native Excel version of this

spreadsheet by email to the Special Masters. Movants further note that the attached is a summary, only, of the hourly time submitted to the Court in the previously filed WS Fee Motion. Accordingly, it does not include the Firm's 110 hours spent preparing the Petition and all attachments. It also does not include time assisting clients with settlement paperwork since the Firm's previous filing of the WS Fee Motion; and, of course, it does not include the hundreds of hours the Firm expects to spend assisting clients with settlement paperwork until the claim submission process is complete.

In addition to the provision of this spreadsheet, Movants note the following. First, Plaintiffs discussed their contingent fee contracts in the previous WS Fee Motion indicating that the fees range from thirty-three and one-third percent (33 1/3%) to forty percent (40%) plus expenses. *See*, e.g., p. 9. As noted in footnote 2 of the previous WS Fee Motion, these agreements are available for inspection by the Court. Also, if the Court requests it, the Firm can provide a listing of the precise terms of each fee agreement. The overwhelming majority of the fee contracts range between thirty-three and one-third percent (33 1/3%) to thirty-five percent (35%) plus expenses with a combined fee and expense cap of forty percent (40%).

Second, as explained in footnote 3 of its previous Motion, the Firm previously submitted common benefit ("CB") time to Plaintiffs' leadership for presentation to the Court and respectfully requests compensation for same. All CB time submitted is for work on Plaintiff Fact Sheets ("PFS"). The Firm notes this submission was made pursuant to a request from Plaintiffs' leadership, and it appears Leadership has submitted such time to the Court.

Because the Firm does not know the extent to which this Court may approve all or part of its CB fee request, the Firm submitted itemized hourly fees that included all CB and non-CB work with the previous WS Fee Motion (and in the attached spreadsheet). Of course (and as also

explained in footnote 3 of its previous Motion), if the Firm is ultimately compensated for non-CB work on an hourly basis, it agrees that any approved CB hourly fee should not be paid again as non-CB hourly fee. To the extent the Court may need to make such a calculation, the Firm's submitted Common Benefit time solely consists of PFS preparation/review which is the following line item of the attached spreadsheet:

Plaintiff Fact Sheet preparation/review	Attorneys	1204.10 (hours)	\$434,949.00
	Contract Attorneys		
	Non-attorneys	1650.10 (hours)	\$201,116.00

The Court may apply this fee data against the Firm's total fee submission, if necessary.

To conclude, Movants request payment of the Firm's fees and expenses as requested in its Motion. Further, Movants reserve the right to further supplement its Motion and (consistent with the Order) file a reply to any response to the filed fee motions to further support Petitioners' position, including but not limited to, discussion of Movants' entitlement to fees as a signatory to certain Joint Prosecution Agreements ("JPA") in this matter and discussed in the WS Fee Motion and other firms' fee petitions.

Dated: August 2, 2018

Respectfully submitted,

/s/ Stephen J. Randall

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*Attorneys for Plaintiffs*

**ACKNOWLEDGMENT**

Plaintiffs, through their undersigned counsel, hereby acknowledge that sanctions may be imposed under the circumstances set forth in Minn. Stat. § 549.211.

DATED: August 2, 2018

/s/ Stephen J. Randall \_\_\_\_\_

Stephen J. Randall (MN #221910)

**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	)	
	)	
	)	

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**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

**DECLARATION OF STEPHEN J. RANDALL FOR WRIGHT & SCHULTE, LLC  
JOINING AND IN FURTHER SUPPORT OF SUPPLEMENT TO MOTION FOR  
AWARD OF ATTORNEY FEES AND REIMBURSEMENT OF COSTS OF WRIGHT &  
SCHULTE, LLC ON BEHALF OF ITSELF AND ITS CLIENTS AS WELL AS  
ASSOCIATED FIRMS**

I, Stephen J. Randall, declare as follows:

1. I am over the age of twenty-one years old and make this declaration based on my personal knowledge. If called as a witness, I could and would testify competently to the facts contained herein, which are true and correct.

2. I am a partner of Pearson, Randall, & Schumacher, P.A.

3. I am authorized to submit this declaration on the Movants' behalf.

4. I submit this Declaration in support of the Supplement to Motion for Award of Attorney Fees and Reimbursement of Costs of Wright & Schulte, LLC on Behalf of Itself and its Clients as well as Associated Firms, filed pursuant to Section 7.2.1 of the Agrisure Viptera/Duracade Class Settlement Agreement (the "Settlement Agreement") and the Kansas District Court's Order dated July 18, 2018 in *In Re: Syngenta AG MIR 162 Corn Litigation*, a multi-district litigation consolidated in the United States District Court for the District of Kansas before Hon. John W. Lungstrum (MDL-2591), and *In Re: Syngenta Litigation*, a Minnesota Consolidated Proceeding consolidated in the Fourth Judicial District Court, Hennepin County, Minnesota, before Hon. Laurie Miller (formerly Hon. Thomas Sipkins) (File Nos. 27-CV-15-3785 & 27-cv-15-12625).

5. The spreadsheet attached as Exhibit 1 to this Supplement was created from, and is a summary of, the itemized hourly fee information provided to the Court as Exhibit 2 to the Movants' previous Motion for Award of Attorneys Fees and Reimbursement of Costs application.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 2nd day of August, 2018 at Hennepin County, Minnesota.

/s/ Stephen J. Randall

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Exhibit 1

LEGAL FEES		Approved Common Benefit Work		Other Work		Notes
TASK PERFORMED	TIMEKEEPER	Hours	Fees	Hours	Fees	
Complaint drafting	Attorneys			464.30	\$175,762.50	Prepared and filed individual Complaints and Notices to Conform.
	Contract Attorneys					
	Non-attorneys			94.30	\$11,787.50	Assisted with preparation and filing individual Complaints and Notices to Conform.
Dipositive motion briefing/argument	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Class certification motion briefing and argument	Attorneys					
	Contract Attorneys					
	Non-attorneys					
<b>DISCOVERY, DEPOSITIONS, DOC REVIEW</b>						
Plaintiff fact sheet preparation/review	Attorneys	1204.10	\$434,949.00			Communicated with Clients, in person meeting with clients, obtained all records, prepared and uploaded PFS and documents to defense counsel.
	Contract Attorneys					
	Non-attorneys	1650.10	\$201,116.00			Assisted with client communication, in person meeting with clients, obtained all records, prepared and uploaded PFS and documents to defense counsel.
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					
<b>EXPERT WORK, DAUBERT MOTIONS</b>						
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					
<b>PRETRIAL PREP, TRIAL, AND POST TRIAL</b>						
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					
<b>SETTLEMENT AND SETTLEMENT ADMINISTRATION</b>						
Pre-settlement communication with clients	Attorneys			192.90	\$155,080 00	Notified clients of Settlement and steps moving forward.
	Contract Attorneys					
	Non-attorneys			8.00	\$1,137 50	Notified clients of Settlement and steps moving forward.
Settlement negotiations	Attorneys					
	Contract Attorneys					
	Non-attorneys					
Assisting clients in perfecting claims in settlement	Attorneys			266.50	\$220,165 00	Answered clients' questions, filled out and assisted with settlement claim forms and submitted forms to Brown Greer.
	Contract Attorneys					
	Non-attorneys			175.70	\$22,665 50	Assisted with claim forms and submissions.
Preparation of fee petition	Attorneys			90.00	\$38,000 00	Prepared and filed motion, supplemental motion, and exhibits.
	Contract Attorneys					
	Non-attorneys			20.00	\$2,500 00	Assisted with exhibit preparation.
<b>ADMINISTRATIVE</b>						
Administrative work as court-appointed leadership	Attorneys					
	Contract Attorneys					
	Non-attorneys					
<b>OTHER (describe in Notes)</b>						

						Initial meetings with clients, executed contracts, and obtained information from clients. Opened electronic and hard files for all clients, including entering all clients' data into Needles database. Scanning and uploading all clients' documents to server and cloud based database. Ordered clients' records from FSA offices. Regular communications with clients to update files, gather necessary information, and keep clients' updated. Telephone conferences with all referring attorneys regarding the litigation. Reviewed and responded to correspondence from referring attorneys. Prepared written status update communications to all clients. Regularly reviewed motions and filings. Calendared events/deadlines pursuant to Court Orders.
	Attorneys			1271.50	\$600,692.00	Received and reviewed information from the Court.
	Contract Attorneys					
	Non-Attorneys			374.90	\$52,115.00	Assisted with initial meetings with clients, executed contracts, and obtained information from clients. Opened electronic and hard files for all clients, including entering all clients' data into Needles database. Scanning and uploading all clients' documents to server and cloud based database. Ordered clients' records from FSA offices. Regular communications with clients to update files, gather necessary information, and keep clients' updated. Telephone conferences with all referring attorneys regarding the litigation. Reviewed and responded to correspondence from referring attorneys. Prepared written status update communications to all clients. Regularly reviewed motions and filings. Calendared events/deadlines pursuant to Court Orders. Received and reviewed information from the Court.
<b>Totals</b>			<b>2854.2</b>	<b>\$636,065.00</b>	<b>2958.1</b>	<b>\$1,279,905.00</b>

<b>EXPENSES PAID</b>	<b>Amount</b>	<b>Notes</b>
Common Benefit Assessment Fees	\$0.00	
Postage	\$6,392.71	
Photocopying	\$2,503.61	
Hotels	\$4,638.48	
Meals	\$5,535.53	
Mileage	\$4,962.13	
Air Travel	\$19,438.91	
Court Fees	\$15,556.75	
Transcript Fees	\$0.00	
Ground Transportation	\$786.33	
Expert/Consulting Fees Not Included in Common Benefit	\$2,342.63	
Special Master Fees	\$0.00	
Miscellaneous (Describe)	\$779.74	Parking and Tolls
<b>TOTAL</b>	<b>\$62,936.82</b>	