

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS
LIABILITY LITIGATION

Case No. 16-md-02741-VC

This document relates to:

ALL ACTIONS

**ORDER RE BIFURCATION AND
AGENDA FOR FIRST CASE
MANAGEMENT CONFERENCE**

After reviewing the papers filed by the parties in anticipation of the first case management conference, the Court has determined that the proceedings will be bifurcated, with the first phase addressing general causation. At the upcoming case management conference, the parties should be prepared to discuss the following issues:

1. **The plaintiffs' leadership structure.** The Court is tentatively of the view that a single lead counsel and a small steering committee are appropriate in this MDL, at least at this stage in the litigation.
2. **Discovery Disputes.** The parties should be prepared to discuss all pending discovery disputes except the motion to quash the third-party subpoena. *See* Motion to Quash (Dkt. 1), *Hardeman v. Monsanto Co.*, 16-mc-80232 (N.D. Cal. Sept. 14, 2016).
3. **Scheduling.** A schedule will be set for all matters related to general causation leading up to the *Daubert* hearing.
4. **Scheduling a tutorial.** The Court anticipates scheduling a science tutorial well before the *Daubert* hearing. The purpose of the tutorial will be to familiarize the

Court with the science and to identify which scientific issues are relevant and in dispute. The tutorial will be held off the record, and the parties will not be permitted to use statements made by experts at the tutorial in later depositions or examinations.

5. **Appointment of an independent expert.** The Court is considering whether a nontestimonial technical advisor – appointed under the Court's inherent powers rather than under Rule 706 – would help clarify the science in this case.
6. **Additional issues.** The parties should be prepared to discuss any remaining issues mentioned in the parties' submissions to date. If the parties wish to discuss something not mentioned in the submissions, it would be helpful (though not required) to file a notice in advance of the case management conference identifying the issue to be discussed.

The parties are reminded that they can use CourtCall to listen to – but not participate in – this and all future case management conferences. CourtCall access for the upcoming case management conference closed on November 9. CourtCall access in future conferences can be arranged by calling (866) 582-6878 no later than noon on the day prior to the conference. Case management conferences will be on the record unless otherwise indicated.

IT IS SO ORDERED.

Dated: November 14, 2016



VINCE CHHABRIA
United States District Judge