

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS
LIABILITY LITIGATION

MDL No. 2741

Case No. 16-md-02741-VC

This document relates to:

ALL ACTIONS

**PRETRIAL ORDER NO. 32:
DENYING MOTION FOR
ATTORNEYS' FEES; GRANTING IN
PART MOTION TO FILE UNDER
SEAL**

Re: Dkt. Nos. 453, 479

Because the scope of Mr. Rowland's testimony was a relatively close question, and because his testimony was somewhat evasive, the Court finds that an award of attorneys' fees to Mr. Rowland for responding to the motion to compel further testimony would be unjust. *See* Fed. R. Civ. P. 37(a)(5)(B); *see also Pierce v. Underwood*, 487 U.S. 552, 565 (1988). The fee motion is therefore denied.

The plaintiffs' motion to file under seal portions of their opposition to Mr. Rowland's motion for attorneys' fees and the attached excerpt from the transcript of Mr. Rowland's deposition is granted to the extent requested in the Declaration of William E. Lawler, III. Dkt. Nos. 479-4, 479-6, 484. The documents that the plaintiffs requested to seal concern a fee motion that is not more than tangentially related to the merits of this litigation. *See Ctr. for Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1101 (9th Cir. 2016). The proposed redactions withhold from public view only specific information regarding Mr. Rowland's post-EPA consulting activities, none of which directly concern Monsanto or glyphosate. Given the limited relevance of this

information to the merits and the importance of client confidentiality to Mr. Rowland's future endeavors, good cause exists at this time to maintain the redactions proposed by Mr. Rowland's attorney. *See id.* at 1097, 1101. Counsel for Mr. Rowland is ordered to provide plaintiffs' counsel with copies of the documents at issue containing redactions identical to those proposed to the Court in conjunction with his declaration.

IT IS SO ORDERED.

Dated: October 6, 2017



VINCE CHHABRIA
United States District Judge