

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:

Smith v. Monsanto Co., 17-cv-2142

Aultman v. Monsanto Co., 19-cv-5236

Borum v. Monsanto Co., 19-cv-5242

Butterfield v. Monsanto Co., 19-cv-5243

Connell v. Monsanto Co., 19-cv-5244

Costa v. Monsanto Co., 19-cv-5245

Gerlach v. Monsanto Co., 19-cv-5246

Gniadek v. Monsanto Co., 19-cv-5249

Gordon v. Monsanto Co., 19-cv-5252

Hoffman v. Monsanto Co., 19-cv-5253

Johnson v. Monsanto Co., 19-cv-5255

Jones v. Monsanto Co., 19-cv-5256

King v. Monsanto Co., 19-cv-5258

**PRETRIAL ORDER NO. 177:
GRANTING MOTIONS TO DISMISS**

Re: Dkt. Nos. 5614, 5621, 5624, 5627, 5633,
5635, 5638, 5640, 5642, 5644, 5646, 5648,
5650

The motions to dismiss filed by Osborn & Barr Communications and Osborn & Barr Holdings are granted. Each plaintiff in the related cases voluntarily dismissed Osborn & Barr with prejudice in July 2017. *See* 17-cv-2142-VC, Dkt. No. 27. But two years later, these 13 plaintiffs raised the same claims against Osborn & Barr in their short-form complaints. Osborn & Barr moved to dismiss on the basis of claim preclusion, and none of the plaintiffs filed an opposition.

A voluntary dismissal with prejudice has claim-preclusive effect. *See Concha v. London*, 62 F.3d 1493, 1507 (9th Cir. 1995). Each plaintiff has therefore failed to state a claim upon which relief can be granted against Osborn & Barr. Fed. R. Civ. P. 12(b)(6).

IT IS SO ORDERED.

Dated: September 30, 2019



VINCE CHHABRIA
United States District Judge