

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:

Dalby v. Monsanto Co., 19-cv-5925

Lockwood Fleischer v. Monsanto Co., 19-cv-5931

Franco v. Monsanto Co., 19-cv-5940

Wise v. Monsanto Co., 19-cv-5942

**PRETRIAL ORDER NO. 179:
ORDER TO SHOW CAUSE**

The plaintiffs in these related cases are ordered to show cause why they should not be sanctioned for filing multi-plaintiff complaints directly in the Northern District of California. The complaints join non-California plaintiffs despite an apparent lack of personal jurisdiction over their claims. *See Bristol-Myers Squibb v. Superior Court of California, San Francisco County*, 137 S. Ct. 1773, 1781-83 (2017). In addition, the claim that venue is proper under 28 U.S.C. § 1391(b)(2) appears frivolous on its face. And absent some factual connection between the parties or location of exposure to Roundup, the joinder of these disparately located plaintiffs under Federal Rule of Civil Procedure 20 borders on frivolous. Finally, in this MDL, each plaintiff must file a separate short-form complaint to participate. *See* Pretrial Order No. 155, Dkt. No. 4454. The attorney for these plaintiffs, Daniel Burke, is well aware of this requirement from past experience. *See Jimenez v. Monsanto Co.*, No. 3:19-cv-3438-VC. Unless there is some basis to believe these plaintiffs do not belong in this MDL, the filing of these multi-plaintiff complaints will inevitably require all but one plaintiff from each case to file a notice of dismissal and to refile another case, thereby unreasonably multiplying the proceedings.

For these reasons, the plaintiffs are ordered to show cause why they should not be sanctioned pursuant to Federal Rule of Civil Procedure 11, 29 U.S.C. § 1927, and/or the Court's inherent authority for filing these complaints. The plaintiffs must file a joint written response to this order by October 8, 2019. If the defendants wish to file a response, they may do so by October 15, 2019. The Court will schedule a hearing on the order to show cause if necessary following review of the written submissions.

IT IS SO ORDERED.

Dated: October 1, 2019



VINCE CHHABRIA
United States District Judge