

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: ROUNDUP PRODUCTS  
LIABILITY LITIGATION**

MDL No. 2741

**ORDER DENYING MOTION FOR RECONSIDERATION**

**Before the Panel:**\* Defendant Monsanto Company moves the Panel to reconsider our order of February 4, 2021, which granted plaintiff’s motion under 28 U.S.C. § 1407(c) to transfer the Eastern District of Missouri *National Black Farmers Association (NBFA)* action, listed on Schedule A, to the Northern District of California for inclusion in MDL No. 2471. Plaintiff opposes the motion for reconsideration.

After considering all argument of counsel, we conclude that we need not reconsider our transfer of *NBFA* to MDL No. 2741. As we previously found, plaintiff in *NBFA*, like the plaintiffs in the MDL, asserts product liability claims against Monsanto and alleges that exposure to Roundup causes non-Hodgkin’s lymphoma (NHL) or similar hematopoietic cancers. *NBFA* thus will involve many of the same issues concerning general causation, the background science, and regulatory history of Roundup as the actions in the MDL.

Monsanto advances two primary arguments in support of reconsidering our transfer order. Neither is persuasive. First, Monsanto argues that the *NBFA* complaint is not limited to NHL or other hematopoietic cancers. Plaintiff, though, represents in its briefing (both here and on the initial motion to transfer) that its complaint solely alleges injury related to hematopoietic cancers. Moreover, we have never held that MDL No. 2741 is limited to actions that allege *only* injury from NHL or similar hematopoietic cancers. Rather, we have excluded actions from this MDL that do not allege those injuries *at all*. See, e.g., Order Vacating CTO at 1, *In re Roundup Prods. Liab. Litig.*, MDL No. 2741 (J.P.M.L. Oct. 5, 2020), ECF No. 2027 (excluding action in which plaintiff alleged that she was diagnosed with “smoldering myeloma,” a clonal plasma cell disorder that is not a hematopoietic cancer). “Section 1407 does not require a complete identity of common factual issues as a prerequisite to transfer, and the presence of additional facts or differing legal theories is not significant when, as here, the actions still arise from a common factual core.” *In re New England Compounding Pharmacy, Inc., Prods. Liab. Litig.*, 38 F. Supp. 3d 1384, 1385–86 (J.P.M.L. 2014). There is no question that *NBFA* encompasses NHL and other hematopoietic cancers, as those specific injuries are referenced multiple times in plaintiff’s complaint. See, e.g., Compl. ¶ 132(d), *NBFA v. Monsanto Co.*, C.A. No. 3:21-00966 (N.D. Cal. filed Aug. 26, 2020),

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\* Judge Catherine D. Perry took no part in the decision of this matter.

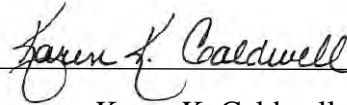
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ECF No. 1 (asking the court to enjoin Monsanto “to include plain, visible warnings (like those on cigarette products) on all Roundup® products, stating that Roundup® has been found to cause NHL, Hodgkin’s Lymphoma, Lymphoma, Multiple Myeloma, and/or Leukemia”).

Monsanto also argues that transfer of *NBFA* is inappropriate because this action does not fit easily within the current pretrial structure of MDL No. 2741, such that it is likely that *NBFA* will have to be placed on its own litigation track. We considered this argument on the initial transfer motion and rejected it. Indeed, we specifically observed that “[t]he transferee judge has the discretion to employ separate tracks or other appropriate pretrial management techniques to address the unique issues presented by *NBFA*.” Transfer Order at 2, *In re Roundup Prods. Liab. Litig.*, MDL No. 2741 (J.P.M.L. Feb. 4, 2021), ECF No. 2189. Monsanto has not shown that transfer of *NBFA* will undermine the efficiencies of the MDL.

IT IS THEREFORE ORDERED that the motion for reconsideration of the Panel’s February 4, 2021, order transferring the action listed on Schedule A is denied.

PANEL ON MULTIDISTRICT LITIGATION



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Karen K. Caldwell  
Chair

Nathaniel M. Gorton  
David C. Norton  
Dale A. Kimball

Matthew F. Kennelly  
Roger T. Benitez

**IN RE: ROUNDUP PRODUCTS  
LIABILITY LITIGATION**

MDL No. 2741

**SCHEDULE A**

Eastern District of Missouri

NATIONAL BLACK FARMERS ASSOCIATION v. MONSANTO COMPANY,  
C.A. No. 4:20-01145