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Counsel for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE: Roundup Products Liability Litigation	MDL No. 2741
This Document Relates to:	Case No.: 3:16-md-02741-VC
<i>Joan Elizabeth Toyer and Ronald Victor Toyer v. Monsanto Co., 3:19-cv-06405-VC</i>	Hon. Vince Chhabria
	PLAINTIFFS' MOTION FOR SUGGESTION OF REMAND
	Hearing Date: TBD (<i>if necessary</i>)
	Hearing Time: TBD
	Place: San Francisco Courthouse, Courtroom 4 – 17th Floor

Motion for Suggestion of Remand

COMES NOW, Plaintiffs Joan Elizabeth Toyer and Ronald Victor Toyer (hereinafter “Plaintiffs”), through the undersigned attorney, respectfully moves this Court, pursuant to 28 U.S.C. § 1407 for an Order for a suggestion of remand of this case to the United States District

Court for the Western District of Washington, Tacoma. In support of their motion, Plaintiffs state as follows:

Procedural History

1. Plaintiffs' Complaint was filed in the Western District of Washington, Tacoma, on August 29, 2019.
2. The case was transferred to MDL No. 2741 on October 11, 2019. [Dkt. No. 5].
3. On February 7, 2024, the Court granted Plaintiffs' unopposed motion to transfer the case to Wave 8A. [Dkt. No. 10].

Fact & Expert Workup and Motions

4. The depositions of Plaintiffs have been completed. No other deposition has been requested by Defendants.
5. The depositions of Plaintiffs' experts have been completed.
6. Plaintiffs have agreed to forgo deposing Monsanto experts before remand but reserves the right to depose them after remand. Plaintiffs agreed not to file *Daubert* motions against Monsanto's experts after remand.
7. Defendant has filed Motion and Preservation Motion to Exclude Plaintiffs' expert Dr. Jason Maclean (Dkt. 17), Dr. Kevin Knopf (Dkt. 18), and Dr. Kristan Aronson (Dkt. 19). These motions were all denied on February 10, 2025 (Dkt. 20).
8. The Parties have completed all case specific and pre-trial discovery, including dispositive/Daubert motion practice other than the party's agreement to reserve the right to depose Monsanto's experts after remand.

Argument

All pretrial proceedings related to the MDL Wave process are complete, including Wave discovery and dispositive/*Daubert* motion practice. All Wave briefing deadlines have now passed for Wave 8A. Plaintiffs now request a suggestion of remand from this Court to have their case remanded back to the United States District Court for the Western District of Washington in Tacoma.

According to Pretrial Order No. 147 (Dkt. No. 3834) “Tentative Remand Plan”:

The Court will decide all case-specific summary judgment motions. In addition, because *Daubert* motions relating to causation are so intertwined with summary judgment, the Court will decide those as well. Ninth Circuit law will govern the *Daubert* motions regardless of where the case originated. The courts that will eventually try these cases will be left with any other pretrial motions, including motions in limine, motions to bifurcate, and *Daubert* motions unrelated to summary judgment.

Now that all Wave proceedings, including Wave discovery and dispositive/*Daubert* motion practice, are complete, this case is ripe for a suggestion of remand from this Court (the transferee court), pursuant to 28 U.S.C. §1407 and the Rules for Multidistrict Litigation promulgated thereunder. Specifically, Rule 10.1(b) of the Rules of Multidistrict litigation contemplates the relief requested herein:

Typically, the transferee judge recommends remand of an action, or a part of it, to the transferor court at any time by filing a suggestion of remand with the Panel. However, the Panel may remand an action or any separable claim, cross-claim, counterclaim or third-party claim within it, upon (i) the transferee court’s suggestion of remand, (ii), the Panel’s own initiative any entry of an order to show cause, a conditional remand order or other appropriate order, or (iii) **motion of any party**. (emphasis added)

Accordingly, Plaintiffs request this Court to file a suggestion of remand with the Judicial Panel on Multidistrict Litigation.

WHEREFORE, for all the foregoing reasons, Plaintiffs respectfully request that this Honorable Court enter an Order granting this Motion for Suggestion of Remand and respectfully requests this Court to file a suggestion of remand with the Judicial Panel on Multidistrict Litigation to remand the subject action to the United States District Court for the Western District of Washington, Tacoma, and for such other and further relief as this Court deems just and proper.

Dated: 29th day of October, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the 29th day of October, 2025, I electronically transmitted the foregoing document to the Clerk of the court using the ECF system for filing and transmittal of a true and correct copy of the foregoing document was served electronically or by another manner as authorized by FED. R. CIV. P. 5.

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**ORDER GRANTING PLAINTIFFS'
MOTION FOR SUGGESTION OF
REMAND**

Hearing Date: TBD (*if necessary*)

Hearing Time: TBD

Place: San Francisco Courthouse,
Courtroom 4 – 17th Floor

Plaintiff's motion for suggestion of remand is granted.

IT IS SO ORDERED.

Dated: _____

Hon. Vince Chhabria,
UNITED STATES DISTRICT
JUDGE