CONTAMINATION OF U.S. CORN SUPPLY by Syngenta's MIR 162

After Agrisure Viptera received U.S. regulatory approval, Syngenta offered farmers a "side-by-side program" which encouraged farmers to plant Viptera corn adjacent to other corn seed.

Syngenta encouraged this side-by-side planting process despite the known contamination risks in doing so. Syngenta knew that commingling different varieties of corn is a risk during the planting, harvesting, drying, storage, and transportation process. Once released, a corn variety will, without adequate precautions, contaminate the broader corn supply.

By promoting the side-by-side program, Syngenta helped spread the amount of MIR162 that would appear in the U.S. corn supply, thus putting exports to countries that had not approved the trait (such as China) at risk.

Syngenta also knew, or should have known, that commingling would result in Chinese regulatory officials rejecting shipments of U.S. corn.

CHINA'S REJECTION OF U.S. CORN SHIPMENTS

- China was the seventh largest corn import market for the 2009-10 crop year with widespread predictions that it would move into the top five by 2011-12. By 2013/14, China had moved into the top 3 export markets for U.S. corn. However, corn trade between the United States and China declined drastically in January 2014 after the trade disruption resulting from detection of MIR 162.

- On or about November 2013, Chinese regulatory officials began rejecting cargo shipments of U.S. corn after the shipments tested positive for the trace presence of Viptera corn.
  LITIGATION

- Lawsuits against Syngenta seek to recover damages to the U.S. corn market from Syngenta's introduction of genetically modified corn, which has caused major countries (China, etc.) to reject U.S. corn. This has caused the price of U.S. corn to drop roughly 25%, resulting in damages to farmers and others in the stream of corn sales.

- Those financially harmed by Syngenta's devaluation of the US Corn market prices include not only corn farmers, but also all others with a financial interest in the sale volume and price of corn, including silo owners and landowners leasing farmland to farmers (provided that the retained an interest in the crop production and sale).

• Syngenta, the Swiss-based maker of seeds and agricultural chemicals, is facing an onslaught of lawsuits tied to its Agrisure Viptera strain of GMO corn. Syngenta sold Agrisure Viptera (MIR 162) to U.S. farmers without first obtaining import approval from Beijing. China no longer accepts corn from the United States, thus causing millions of dollars in damages to U.S. farmers.

THIS PROJECT IS NOT A CLASS ACTION, but A MASS TORT. Parties (farmers, co-op's etc.) will be joining forces in the litigation for the overall benefit of the parties.

FARMERS SUSTAINED billions of dollars in losses, collectively. Price of corn has dropped well over $1 per bushel.

TIMELINE

*2011 *Syngenta Seeds, Inc. and its affiliates ("SYT") released a new transgenic corn seed to resist certain pests - MIR 162/Viptera seed.
*The US approved Viptera seed for human consumption, but many of the US import partners did not, e.g., China and the EU. Nonetheless, SYT launched Viptera to capture market share ahead of competitors.

*Bunge North America ("BG"), one of a handful of top elevators/exporters refused to buy Viptera corn from farmers, and Syngenta sued BG to force BG to buy it. That case observed that SYT's action raises the question of who should bear the risk of a premature launch of a transgenic seed that disrupts a global market and, ultimately, Syngenta's case was unsuccessful in compelling BG to purchase the Viptera corn.

*2013
*October: Corn' was trading at $4.63 per bushel.
*November: China detects Viptera corn in a US corn shipment from Cargill, rejects the ship, and the media worldwide announced the rejection. *December:

*Corn's trading at $4.41 per bushel.
*China continues to reject US corn shipments.

*2014: January: *Corn was trading at $4.42 per bushel.

*The National Grain and Feed Association and the North American Export Grain Association (together, the “Associations”) issue a joint statement demanding Syngenta “halt commercializing in the US of [Viptera] corn”.

*China continues to reject US corn shipments. February:

*Corn’ was trading at $4.35 per bushel. *China bans US corn shipments.

March:
*Corn was trading at $4.52 per bushel.
*One of the Associations issues a memo to the US stating that Viptera will contaminate the entire US corn crop; it’s inevitable; and, Syngenta should bear the economic consequences for same.

*The Associations issue a study that concludes that Syngenta’s premature launch of Viptera will cost the US corn supply chain approximately $1.95 billion in connection with the US 2013 corn harvest (of which, approximately $1.14 billion will be borne by US corn farmers).

September:
*Corn was trading at $3.38 per bushel.
*Cargill files first lawsuit against Syngenta relating to Viptera corn. Since then, several lawsuits have been filed throughout the county. A Multi-District Litigation hearing is set for December 4, 2014, to determine whether and in which court these lawsuits will be consolidated for pretrial discovery purposes.

By March 2014, 3.3 million metric tons of U.S. corn was globally rejected. China put a ban on ALL U.S. corn. 68 countries reject GMO corn. The U.S. has been effectively shut out of the corn export market because of Syngenta’s actions.

AGRISURE DURACADE 5307 CORN

The NGFA (National Grain and Feed Association) issued a warning and forecasts additional economic losses for corn farmers for the 2014/2015 marketing year due to Syngenta’s commercialization of Duracade 5307 corn. According to the NGFA, the net impact of Syngenta’s launch of 5307 is estimated to result in a loss to the U.S. grain value chain ranging from $1.2 billion to $3.4 billion for the 2014/2015 marketing year.

DESPITE WARNINGS – Syngenta put Duracade 5307 corn on the market anyway. Additional losses WILL be sustained in the 2014/2015 marketing year

COSTS/FEES/LOGISTICS

The matter is contingent – it costs nothing to participate. Standard contingency fee of 40% (slightly above traditional one-third rate because of the complexity of the litigation and MDL costs), shared between respective firms jointly representing the parties.

Parties incur NO expenses, as they are advanced on behalf of the parties.

In the event there is no recovery, the parties owe NOTHING to the respective law firms.

A central call center will be established to answer questions, facilitate claims filings, etc. Clients will be sent quarterly newsletters and an informative website will be established. An advertising campaign will be undertaken, and meetings established. Expenses will be paid/reimbursed by Watts Guerra, LLP. Additional support will be furnished as requested.

HOW LONG WILL THIS TAKE?

The length of the litigation process will depend on the MDL Judge assigned – potentially resolved in 24 months.

WHAT WILL FARMERS NEED TO DO:

1. Completion of the Agreement (employment contract) and Farm Information Sheet (Questionnaire)
2. 2014 Crop Insurance Records (it is a Federal document that will show production, share back to 2011).
3. Court Ordered Plaintiff Fact Sheet
4. Less than 1% of all farmers are likely to be deposed in an MDL
5. One average, less than 10 farmers nationwide will ever have their case tried (called "Bellwether trials")