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9 10	Attorneys for Plaintiff		
11	UNITED STATES DISTRICT COURT		
12	NORTHERN DIST	RICT OF CALIFORNIA	
13	IN RE: ROUNDUP PRODUCTS LIABILITY	MDL No. 2741	
14 15	LITIGATION	Case No. 3:16-md-02741-VC	
16 17 18 19 20 21 22 23	This document relates to: Dea Anna Schumacher, et al. v. Monsanto Company, et al., Case no. 3:19-cv-04165	NOTICE OF MOTION AND MOTION TO SUBSTITUTE JANICE EMMONS IN PLACE OF MARY ELLYN NEGLEY PURSUANT TO F.C.R.P. 25; MEMORANDUM OF POINTS AND AUTHORITIES; EXHIBITS; [PROPOSED] ORDER Date: May 28, 2020 Dept: Courtroom 4 Time: 10 AM	
24	TO DEFENDANTS AND THEIR ATTORNEY	YS OF RECORD:	
25	PLEASE TAKE NOTICE that on Thursda	y, May 28, 2020 at 10:00 a.m., telephonically	
26	or in person in Courtroom 4, United States District Court, Northern District of California, (450		
27	Golden Gate Avenue, San Francisco California, 94	4102), as the Judge determines, Plaintiff Mary	
28	Ellyn Negley, by and through her undersigned cou	unsel, and pursuant to Federal Rules of Civil	
- 1	I and the second		

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1	Procedure, Rule 25, respectfully moves this Court for an order substituting Janice Emmons in her
2	place so that Ralph Negley's claims against Defendants may continue forward.
3	Plaintiff's Motion is based on this Notice of Motion, the accompanying Memorandum of
4	Points and Authorities, exhibits, and any additional argument, and evidence this Court may
5	consider.
6	D . A . 120 2020
7	Date: April 30, 2020
8	/s/ Kristy M. Arevalo McCune Wright Arevalo, LLP Kristy M. Arevalo, Esq. (SBN: 216308) /s/ Emily Jo Kirk McCune Wright Arevalo, LLP Emily Jo Kirk (SBN: 65367-MO)
9 10	kma@mccunewright.com ejk@mccunewright.com 3281 East Guasti Road, Suite 100 3281 East Guasti Road, Suite 100
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12	Attorneys for Plaintiff
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MEMORANDUM OF POINTS AND AUTHORITIES

- 1. On June 7, 2019, Plaintiff Mary Ellyn Negley, filed a products liability lawsuit on behalf of her deceased husband, Ralph Negley, in the Eastern District of Missouri, Case No.3:19-cv-04165 on June 7, 2019. Thereafter, the multi-plaintiff case, Schumacher, et al. v. Monsanto Company, was transferred into the MDL (Dkt. No. 4580).
- 2. Plaintiff Mary Ellyn Negley passed away per the Suggestion of Death filed on January 31, 2020. ("Exhibit A" (Death Certificate of Mary Ellyn Negley); Dkt. No. 9365).
- 3. Janice Emmons is named the successor executor of Mary Ellyn Negley's estate, "Exhibit B" (Last Will and Testament of Mary Ellyn Negley).
- 4. Plaintiff Mary Ellyn Negley's product liability action against Defendants (on behalf of Ralph Negley) has survived her death.
- 5. As the administratix of Mary Ellyn Negley's estate, Janice Emmons, has the capacity to proceed forward with the surviving product liability claims on behalf of Ralph Negley, pursuant to Fed. R. Civ. P. 25(a)(1):
 - "If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or the decedent's successor or representative."
- 6. Janice Emmons has retained the attorneys at McCune Wright Arevalo LLP to continue forward the surviving product liability claims of Ralph Negley.

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1	7. Therefore, Plaintiff requests that this Court enter an Order substituting Janice Emmons in
2	place of Mary Ellyn Negley. The Plaintiff caption is requested to be amended
3	as follows: "Janice Emmons, individually, and as successor in interest for the estate of
4	Ralph Negley, deceased" in place of "Mary Ellyn Negley, individually and as surviving
5	heir of Ralph Negley, deceased."
6	Date: April 30, 2020
7	
8	/s/ Kristy M. Arevalo McCune Wright Arevalo, LLP McCune Wright Arevalo, LLP McCune Wright Arevalo, LLP McCune Wright Arevalo, LLP
9	Kristy M. Arevalo, Esq. (SBN: 216308) Emily Jo Kirk (SBN: 65367-MO) ejk@mccunewright.com
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CERTIFICATE OF SERVICE

I, Kristy M. Arevalo, hereby certify that, on April 30, 2020, I electronically filed the foregoing with the Clerk for the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to counsel of record, in accordance and in a manner as authorized by F.C.R.P. 5(b)2.

/s/ Kristy M. Arevalo

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Attorney for Plaintiff