

1 Kristy M. Arevalo, Esq. (SBN: 216308)
2 **McCune Wright Arevalo, LLP**
3 3281 East Guasti Road, Suite 100
4 Ontario, California 91761
5 Telephone: (909) 557-1250
6 Facsimile: (909) 557-1275

7 Emily Jo Kirk (SBN: 65367-MO)
8 **McCune Wright Arevalo, LLP**
9 3281 East Guasti Road, Suite 100
10 Ontario, California 91761
11 Telephone: (909) 557-1250
12 Facsimile: (909) 557-1275

13 *Attorneys for Plaintiff*

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 IN RE: ROUNDUP PRODUCTS LIABILITY
17 LITIGATION

18 MDL No. 2741

19 Case No. 3:16-md-02741-VC

20 This document relates to:

21 *Dea Anna Schumacher, et al. v. Monsanto*
22 *Company, et al.,*
23 Case no. 3:19-cv-04165

24 **NOTICE OF MOTION AND MOTION**
25 **TO SUBSTITUTE JANICE EMMONS**
26 **IN PLACE OF MARY ELLYN**
27 **NEGLEY PURSUANT TO F.C.R.P. 25;**
28 **MEMORANDUM OF POINTS AND**
AUTHORITIES; EXHIBITS;
[PROPOSED] ORDER

Date: May 28, 2020
Dept: Courtroom 4
Time: 10 AM

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on Thursday, May 28, 2020 at 10:00 a.m., telephonically or in person in Courtroom 4, United States District Court, Northern District of California, (450 Golden Gate Avenue, San Francisco California, 94102), as the Judge determines, Plaintiff Mary Ellyn Negley, by and through her undersigned counsel, and pursuant to Federal Rules of Civil

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 Date: April 30, 2020

7
8 /s/ Kristy M. Arevalo

9 **MCCUNE WRIGHT AREVALO, LLP**

10 Kristy M. Arevalo, Esq. (SBN: 216308)

11 kma@mccunewright.com

12 3281 East Guasti Road, Suite 100

13 Ontario, California 91761

14 Ph: (909) 557-1250; Fax: (909) 557-1275

15 /s/ Emily Jo Kirk

16 **MCCUNE WRIGHT AREVALO, LLP**

17 Emily Jo Kirk (SBN: 65367-MO)

18 ejk@mccunewright.com

19 3281 East Guasti Road, Suite 100

20 Ontario, California 91761

21 Ph: (909) 557-1250; Fax: (909) 557-1275

22 *Attorneys for Plaintiff*

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

9 **MCCUNE WRIGHT AREVALO, LLP**

10 Kristy M. Arevalo, Esq. (SBN: 216308)

11 kma@mccunewright.com

12 3281 East Guasti Road, Suite 100

13 Ontario, California 91761

14 Ph: (909) 557-1250; Fax: (909) 557-1275

15 *Attorneys for Plaintiffs*

16 /s/ Emily Jo Kirk

17 **MCCUNE WRIGHT AREVALO, LLP**

18 Emily Jo Kirk (SBN: 65367-MO)

19 ejk@mccunewright.com

20 3281 East Guasti Road, Suite 100

21 Ontario, California 91761

22 Ph: (909) 557-1250; Fax: (909) 557-1275

23 *Attorneys for Plaintiffs*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

MCCUNE WRIGHT AREVALO, LLP

Kristy M. Arevalo, Esq. (SBN: 216308)

kma@mccunewright.com

3281 East Guasti Road, Suite 100

Ontario, California 91761

Ph: (909) 557-1250; Fax: (909) 557-1275

Attorney for Plaintiff