

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

In re: PARAQUAT PRODUCTS
LIABILITY LITIGATION

Case No. 3:21-md-3004-NJR

MDL No. 3004

This Document Relates to All Cases

**ORDER SELECTING SMITH AND DICELLO FIRMS'
OPT-OUT CASES FOR LIMITED DISCOVERY**

ROSENSTENGEL, District Judge:

In April 2025, the Court was advised that the parties had reached a global settlement. Since then, counsel has been working diligently to present settlement offers to individual plaintiffs. While slow, there has been progress.

The Court understands that although many plaintiffs have accepted the settlement offer presented to them, some have not. Notably, a significant number of opt-out cases (cases in which Plaintiff declined the settlement offer) are represented by two firms: The Smith Law Firm, PLLC, and DiCello Levitt LLP. Indeed, based on information submitted to the Court, 100% of Plaintiffs represented by DiCello Levitt LLP refused to accept the settlement offer they received, while over 90% of Plaintiffs represented by The Smith Law Firm PLLC did the same. The Court would like to gain a better understanding of the possible reasons for these exceedingly high opt-out rates.

To that end, the Court has randomly selected a portion (approximately 10%) of each firm's opt-out cases to proceed to initial limited discovery, to be followed by full work-up, on a rolling basis. Depositions will assist the Court in gathering more information on these Plaintiffs and their claims and assist the undersigned in facilitating the expeditious,

economical, and just resolution of this litigation, which has been this Court’s goal since the MDL’s inception.

Accordingly, the Court selects the following cases for limited discovery, defined as the completion of a Plaintiff Fact Sheet (PFS), Plaintiff’s deposition, and narrow third-party discovery.¹

Plaintiffs represented by The Smith Law Firm:

Plaintiff	Case Number
Charles Powrie	3:21-pq-00710-NJR
Thomas A Klun	3:21-pq-00703-NJR
David Foy	3:23-pq-00825-NJR
Jose M Alatorre Hernandez	3:23-pq-00956-NJR
Thomas Black	3:22-pq-03014-NJR
David Castillo	3:23-pq-00076-NJR
Zandra Gutierrez	3:23-pq-02580-NJR
David W Gaither	3:24-pq-01504-NJR
Greg F Barnes	3:24-pq-01744-NJR
Leo Rush	3:22-pq-00310-NJR
Mark J Boerschinger	3:22-pq-00783-NJR
Charles B Short	3:22-pq-00466-NJR

¹ Third-party discovery will be limited to cases where proof of an applicator’s license or evidence of a Plaintiff’s use of paraquat is lacking. The Court expects it will include subpoenas to retailers to obtain proof of purchase of paraquat or an affidavit (or deposition if necessary) from a supervisor for whom a Plaintiff claims to have worked (in cases where a Plaintiff claims to have worked under his or her supervisor’s applicator license). Of course, if a Plaintiff promptly produces this information, it will not be necessary for Defendants to engage in third-party discovery. Moreover, any Plaintiff that has already submitted proof of their applicator’s license or evidence of paraquat use need not engage in unnecessary third-party discovery to develop such evidence.

Plaintiff	Case Number
Reymundo Avilez	3:22-pq-00625-NJR
Mary E Black-Stiles	3:22-pq-00926-NJR
Margaret Chapman	3:22-pq-01484-NJR
Gregory Kuebler	3:22-pq-01476-NJR
Robert Carder	3:22-pq-01493-NJR
Mallory Smith	3:22-pq-01483-NJR
Willie Norman	3:22-pq-01595-NJR
Steven L Payne	3:22-pq-01586-NJR
Deanne Kunz	3:22-pq-02846-NJR
Myra McCormick-Barker	3:22-pq-02856-NJR
Patricia Carroll	3:22-pq-02858-NJR
Claude Morgan	3:22-pq-02882-NJR
Carole Owen	3:22-pq-02880-NJR
Joseph E Berger	3:23-pq-01616-NJR
Claude Pate	3:23-pq-01619-NJR
Donald L Eichel	3:23-pq-01628-NJR
Jose E Martinez	3:23-pq-01945-NJR
Leandra L Glazier	3:23-pq-01946-NJR
James Shields	3:21-pq-01601-NJR
Hal Baird	3:23-pq-00086-NJR
Douglas Wheeler	3:23-pq-00082-NJR
Janie Witzel	3:23-pq-00088-NJR

Plaintiff	Case Number
Ralph Woolsey	3:23-pq-00095-NJR
Lawrence Powell	3:23-pq-00093-NJR
Shirley Lowe	3:22-pq-01341-NJR
David Valiquette	3:22-pq-01470-NJR
Hector Lara	3:22-pq-01477-NJR
Juan Carrasquillo	3:22-pq-01480-NJR
Milton Romjue	3:22-pq-02582-NJR
Steve Green	3:22-pq-02859-NJR
Patrick Noonan	3:22-pq-02886-NJR
Irma Cisneros	3:23-pq-01197-NJR
Luegenia D Rogers	3:23-pq-01648-NJR
Bob H Wilson	3:23-pq-01929-NJR
Charles Cuka	3:22-pq-00787-NJR

Plaintiffs represented by DiCello Levitt LLP:

Plaintiff	Case Number
James Crane	3:21-pq-00656-NJR
Charles Gabaldon	3:21-pq-01668-NJR
Donald E Boll	3:21-pq-01566-NJR
Joann Dennis	3:24-pq-00316-NJR
Ronald M Schultz	3:24-pq-00786-NJR
Roy Roden	3:24-pq-00779-NJR

Plaintiff	Case Number
Roy D Bunch	3:24-pq-00740-NJR
Randy Hoblely	3:24-pq-00381-NJR
Leslie R Pogue	3:24-pq-00931-NJR
David F Lewis	3:24-pq-00918-NJR
Daniel L Hoard	3:24-pq-00867-NJR
Michael D Ragsdale	3:24-pq-01022-NJR
Charles J Riley	3:24-pq-00934-NJR
Maria L Martinez-Holland	3:24-pq-00924-NJR
George H Cox	3:24-pq-00991-NJR
Lonnie G Blanton	3:24-pq-00384-NJR
Michael Mcpherren	3:24-pq-00465-NJR
<u>Lowell Wood, Jr.</u>	<u>3:24-pq-00365-NJR</u>
Lonnie E McIntosh	3:24-pq-00992-NJR
Mary E Massey	3:24-pq-00925-NJR
Judith L Volz	3:24-pq-00330-NJR
William T Bolin	3:24-pq-00390-NJR
George Simons	3:24-pq-00013-NJR
Ryan S Stephens	3:24-pq-00803-NJR
George F Humphrey	3:24-pq-00324-NJR
Catherine S Bartels	3:24-pq-00737-NJR
Abe C Cook	3:24-pq-00746-NJR

The above Plaintiffs are **ORDERED** to complete a PFS within **14 days** of this Order. Plaintiffs' depositions shall be completed within **60 days** of this Order. Further discovery may be permitted upon agreement of the parties or with leave of Court.

Counsel shall provide a joint, two-page report summarizing each Plaintiff's testimony to the Court (by email to ParaquatMDL@ilsd.uscourts.gov) and to the Special Master (by email to randi@randiellis.com) within **14 days** of each deposition. The report shall include: (1) the individual's age; (2) details regarding exposure, including dates, frequency, type, use of PPE, and consideration of warning labels; (3) date of Parkinson's Disease diagnosis; (4) description of current Parkinson's Disease symptoms and other health concerns, if any; (5) family history of Parkinson's Disease, if any; and (6) any other information that the parties believe is relevant to the individual's claim. To the extent counsel is unable to agree on a summary of the testimony, counsel shall state their respective positions separately within the same document and attach a copy of the complete deposition transcript.

As the case summaries are submitted and reviewed by the Court, additional discovery will be ordered on a rolling basis.

Finally, counsel for these Plaintiffs is reminded that the PFS, just as the Plaintiff Assessment Questionnaire (PAQ), is signed under penalty of perjury. The Court takes these attestations seriously.

IT IS SO ORDERED.

DATED: June 2, 2026

Handwritten signature of Nancy J. Rosenstengel in black ink, written over a circular seal of the United States District Court for the District of New Jersey.

NANCY J. ROSENSTENGEL
United States District Judge