

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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| IN RE: ROUNDUP PRODUCTS LIABILITY LITIGATION | MDL No. 2741 Case No. 16-md-02741-VC |
| This document relates to: <i>Bronzini v. Monsanto Co.</i> , 19-cv-4676 | PRETRIAL ORDER NO. 176: DENYING MOTION TO REMAND, SEVERING PLAINTIFFS, AND DIRECTING THE FILING OF A SHORT-FORM COMPLAINT Re: Dkt. No. 5533 |

The motion to remand is denied. *See* Dkt. No. 5533. One of the plaintiffs, Robert Thackwray, was exposed to Roundup on at least three military bases. “Federal courts have federal question jurisdiction over tort claims that arise on ‘federal enclaves,’” so removal was appropriate in this case. *Durham v. Lockheed Martin Corp.*, 445 F.3d 1247, 1250 (9th Cir. 2006). These federal-enclave claims fall within the federal courts’ jurisdiction even if they are based on state law, and even if state courts have concurrent jurisdiction over the same claims. *See Willis v. Craig*, 555 F.2d 724, 726 n.4 (9th Cir. 1977) (per curiam). Considering the exceptions in 28 U.S.C. § 1367(c), it is appropriate to exercise supplemental jurisdiction over Thackwray’s other state-law claims.

The remaining non-federal-enclave plaintiffs are severed and remanded to the 21st Judicial Circuit Court for the City of St. Louis, Missouri, with the parties to bear their own costs and attorney’s fees. 28 U.S.C. § 1441(c)(2).

Thackwray is directed to file a short-form complaint on the docket for the member case, *Bronzini v. Monsanto Co.*, 19-cv-4676, as well as on the main docket for the MDL, 16-md-2741.

See Pretrial Order No. 155, ¶ 6, Dkt. No. 4454. The requirements for the short-form complaint are described in Pretrial Order No. 155, ¶ 1.

IT IS SO ORDERED.

Dated: September 11, 2019



VINCE CHHABRIA
United States District Judge