

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

<p>IN RE: ROUNDUP PRODUCTS LIABILITY LITIGATION</p>	<p>MDL No. 2741 Case No. 16-md-02741-VC</p>
<p>This document relates to: <i>Fleischhauer v. Monsanto Co.</i>, Case No. 3:21-cv-05971-VC</p>	<p>PRETRIAL ORDER NO. 301: ORDER DENYING PLAINTIFF'S MOTION TO EXCLUDE CERTAIN OPINIONS OF EXPERT GRINBLATT</p> <p>Re: Dkt. No. 18958</p>

The plaintiff's motion to preclude Dr. David Grinblatt from testifying about trends of NHL cases and glyphosate use over time is denied. This ruling assumes the reader's familiarity with the facts, the applicable legal standard, the prior *Daubert* rulings in this MDL, and the arguments made by the parties. *See generally In re Roundup Products Liability Litigation*, 390 F. Supp. 3d 1102 (N.D. Cal. 2018) (Pretrial Order No. 45, Dkt. No. 1596); *In re Roundup Products Liability Litigation*, 358 F. Supp. 3d 956 (N.D. Cal. 2019) (Pretrial Order No. 85, Dkt. No. 2799); *Hardeman v. Monsanto Company*, 997 F.3d 941 (9th Cir. 2021).

Fleischhauer's motion focuses entirely on the fact that similar testimony offered by Dr. Graham Slack was excluded in a prior ruling. *See* PTO No. 289 at 15–16. On reflection, that prior ruling was wrong. There's nothing inherently unreliable about an expert saying something to the effect of, "and by the way, if Roundup caused NHL, one might expect NHL cases to increase with increased use of Roundup, but the opposite is true." Indeed, evidence of this nature was presented in the Hardeman trial. The plaintiff can respond (through his own expert testimony and through cross-examination) that other factors could explain the inverse

correlation, such as the decline in use of more dangerous pesticides, as was mentioned in PTO No. 289. If any expert sought to offer an opinion that the inverse correlation itself proves that there's no causation, that would obviously be excludable. But Grinblatt doesn't seem to be saying that, so his opinion will not be excluded.

IT IS SO ORDERED.

Dated: December 4, 2024



VINCE CHHABRIA
United States District Judge