

1 GILLIAN L. WADE (State Bar No. 229124)  
SARA D. AVILA (State Bar No. 263213)  
2 MARC A. CASTANEDA (State Bar No. 299001)  
Milstein, Jackson Fairchild & Wade, LLP  
3 [gwade@mjfwlaw.com](mailto:gwade@mjfwlaw.com)  
[savila@mjfwlaw.com](mailto:savila@mjfwlaw.com)  
4 [mcastaneda@mjfwlaw.com](mailto:mcastaneda@mjfwlaw.com)  
2450 Colorado Avenue, Suite 100E  
5 Santa Monica, CA 90404  
Tel: (310) 396-9600  
6 Fax: (310) 396-9635

7 JOEL OSTER  
Law Offices of Howard Rubinstein  
8 [joel@joelosterlaw.com](mailto:joel@joelosterlaw.com)  
22052 W. 66<sup>th</sup> St. #192  
9 Shawnee, Kansas 66226

10 *Attorneys for Plaintiffs and the Proposed Settlement Class*

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

SCOTT GILMORE, et al.,  
Plaintiffs,  
v.  
MONSANTO COMPANY,  
Defendant.

MDL No. 2741  
Case No. 3:21-cv-08159  
**DECLARATION OF THE CLAIMS  
ADMINISTRATOR REGARDING POST-  
DISTRIBUTION ACCOUNTING**  
Judge: Hon. Vince G. Chhabria

1 I, Elena MacFarland, declare and state as follows:

2 1. I am a Senior Manager for the Court-appointed Claims Administrator, Postlethwaite &  
3 Netterville, APAC (“P&N”)<sup>1</sup>. As the project manager over this Settlement, I am personally familiar  
4 with the facts set forth in this Declaration<sup>2</sup>.

5 2. I am over the age of 21. Except as otherwise noted, the matters set forth in this  
6 Declaration are based upon my personal knowledge as well as the information provided by other  
7 experienced employees working under my supervision.

8 3. On June 21, 2022, the Court approved the Notice Plan and appointed P&N as the Claims  
9 Administrator in the *Order Granting Motion for Preliminary Approval of Class Action Settlement* (Dkt.  
10 121).

11 4. On November 28, 2022, P&N submitted a declaration regarding Notice Plan  
12 implementation and settlement administration, which detailed P&N’s execution of the Notice Plan,  
13 reported on exclusions, and provided an update on claims administration as of November 28, 2022  
14 (Dkt. 129).

15 5. The Court held a Final Settlement Hearing on January 12, 2023. On March 31, 2023,  
16 the Court entered the *Order Granting Plaintiffs’ Motion for Final Approval and for Certification of the*  
17 *Class for Purposes of Settlement* (the “Final Approval Order”, Dkt. 146).

18 6. This declaration will discuss the final disposition of claims, settlement payments to  
19 Authorized Claimants, and provide a summary of the post-distribution accounting in accordance with  
20 the Court’s Final Approval Order (Dkt. 146) and the Northern District of California’s Procedural  
21 Guidance for Class Action Settlements.

22 **Claim Form Submissions**

23 7. The deadline for Claim submissions was October 19, 2022. In total, P&N received  
24 221,647 valid Claim submissions. Table 1 below provides summary statistics of Claim submissions  
25 and final dispositions of all Claims.

26

27 <sup>1</sup> As of May 21, 2023, the Directors and employees of Postlethwaite & Netterville, APAC (P&N) joined EisnerAmper as  
28 EAG Gulf Coast, LLC. Where P&N is named as an entity, EAG Gulf Coast, LLC employees will service work contracted  
with P&N.

<sup>2</sup> Unless otherwise stated, all capitalized terms refer to the terms defined in the Second Amended Class Action Settlement  
Agreement, attached to ECF No. 94-1 at pages 18 to 57.

<b>Table 1: Claims Statistics</b>	
<b>Description</b>	<b>Number (#)</b>
Net Claims Received	240,008
(-) Invalid Claims	2,124
(-) Duplicate Claims	16,237
<b>Approved Claims</b>	<b>221,647</b>

***Class Payments and Distribution Accounting***

8. P&N commenced the settlement distributions to Authorized Claimants with Approved Claims on October 28, 2024 (“Initial Distribution”). After all Approved Claims were paid and reissued payments had expired, the amount of the unclaimed, uncashed, or otherwise unredeemed checks in the Initial Distribution plus bank interest accrued were distributed pro rata to Authorized Claimants (other than those Authorized Claimants who did not cash or redeem their checks). P&N commenced the supplemental settlement distributions to Authorized Claimants on October 22, 2025 (“Supplemental Distribution”). The deadline for Authorized Claimants to cash payments was April 20, 2026.

9. Table 2 below provides a summary of settlement payments and the results of the distribution.

[continued on next page]

<b>Table 2: Post-Distribution Accounting</b>	
<b>Description</b>	<b>Value</b>
Total Class Members	Unknown
Total Value of Settlement Fund	\$23,000,000.00
Type of Notice	Direct Email, Print & Digital (Press Release, Streaming TV, Digital Banner Notice, Digital Newsletters, Public Website)
Exclusions Filed	7
Objections Filed	1
Objections as Percentage of Valid Claims	0.0000045%
Net Claims Submitted	240,008
Total Valid Claims Submitted	221,647
Administrative Costs and Fees to Date <sup>3</sup>	\$933,936.48
Administrative Costs and Fees Expected/Remaining	\$0.00
Total Administrative Costs and Fees	\$933,936.48
Total Incentive Awards	\$16,000.00
Class Counsel Fees to Date	\$4,600,000.00
Class Counsel Costs	\$69,592.05
Class Counsel Fees Remaining	\$1,150,000.00
Total Class Counsel Fees and Costs	\$5,819,592.05
Total Class Counsel Fees (\$5,750,000) as Percentage of the Fund	25.00%
Bank Interest Accrued (Net Tax Liability)	\$180,527.62
Method of Payment to Class Members	Checks & Digital Payments
Total Payments to Approved Claims (Initial Distribution)	221,647
Total Dollars Distributed to Authorized Claimants (Initial Distribution)	\$16,320,558.38
Average Payment	\$73.63
Median Payment	\$71.51
Smallest Payment	\$0.66
Largest Payment	\$437.01
Number of Payments Not Cleared (Initial Distribution)	45,079
Dollar Amount of Payments Not Cleared (Initial Distribution)	\$3,582,777.20
Total Payments to Approved Claims (Supplemental Distribution)	176,568
Total Dollars Distributed to Authorized Claimants (Supplemental Distribution)	\$3,666,479.90
Average Payment	\$20.77
Median Payment	\$20.01
Smallest Payment	\$0.19
Largest Payment	\$125.81
Number of Payments Not Cleared (Supplemental Distribution)	9,820

<sup>3</sup> Include costs to administer supplemental distribution

Table 2: Post-Distribution Accounting (continued)

Description	Value
Dollar Amount of Payments Not Cleared (Supplemental Distribution)	\$165,971.56
Total Cy Pres Payment to the National Consumer Law Center	\$172,709.57

10. The Second Amended Class Action Settlement Agreement provides in the event that a further pro rata distribution to Authorized Claimants (other than those Authorized Claimants who did not cash or redeem their checks) is made as described above, the amount of any checks from that further pro rata distribution that remain unclaimed, uncashed, or otherwise not redeemed after one hundred eighty (180) days from the date of such checks shall be donated to the National Consumer Law Center (NCLC).

11. Distribution of the residual funds to NCLC occurred on May 18, 2026. As of the date of this Declaration, the balance of the Qualified Settlement Fund is \$1,150,000.00, representing the attorneys' fees held back pending the filing of the Post-Distribution Accounting.

12. A copy of this Declaration and Post-Distribution Accounting will be posted on the Settlement Website once filed with the Court.

#### Certification

I declare under penalty of perjury that foregoing is true and correct to the best of my knowledge and belief. Executed on this 1<sup>st</sup> day of June, 2026 at Baton Rouge, Louisiana.

  
Elena MacFarland