

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

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

*Attorneys for Plaintiffs and the Proposed Settlement Class*

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

SCOTT GILMORE, et al.,

Plaintiffs,

vs.

MONSANTO COMPANY,

Defendant.

MDL No. 2741

Case No. 3:21-cv-08159

**POST-DISTRIBUTION ACCOUNTING**

**CLASS ACTION**

Judge: Hon. Vince G. Chhabria

Final Approval Date: March 31, 2023

Pursuant to paragraphs 15 and 16 of the Court’s Order Granting Final Approval and for Certification of the Class for Purposes of Settlement (the “Final Approval Order”, ECF No. 146), Class Counsel hereby provide the following Post-Distribution Accounting. This accounting is supported by the accompanying Declaration of Elena MacFarland (“MacFarland Decl.”) from the Court-appointment Claims Administrator, Poslethwaite & Netterville, APAC (“P&N”).

### **Settlement Administration Details**

Paragraph 15 of the Final Approval Order states “[w]ithin 21 days after all funds have been paid pursuant to the Settlement, the Parties shall file a Post-Distribution Accounting, which shall be posted on the Settlement Website, providing the following information: the total settlement fund; the number of claims; the number and percentage of objections; the average, median, maximum, and minimum recovery claimant, the methods of notice and methods of payment to class members, the number and value of any uncashed checks to Class Members, any amounts distributed to a *cy pres* recipient.” ECF No. 146 at p. 9.

The total settlement fund is \$23,000,000.00, and although the total number of Class Members is unknown, a total of 240,008 claims were made, of which 221,647 were approved as valid (2,124 were deemed invalid and 16,237 were found to be duplicates). MacFarland Decl. at ¶ 7. There was one objection to final approval, representing .0000045% of the valid claims made. *Id.* at ¶ 9.

On October 28, 2024, settlement distributions in the amount of \$16,320,558.38 to Authorized Claimants with Approved Claims began (“Initial Distribution”). *Id.* at ¶¶ 8, 9. After all Approved Claims were paid and reissued payments had expired, there were 45,079 settlement payments totaling \$3,582,777.20 that were unclaimed, uncashed, or otherwise unredeemed from the Initial Distribution. *Id.* On October 22, 2025, a supplemental distribution began, consisting of this \$3,582,777.20 plus bank interest accrued, in the total amount of \$3,666,479.90 (“Supplemental Distribution”). *Id.* These funds were distributed pro-rata to 175,568 Authorized Claimants (to all who had redeemed their payments from the Initial Distribution) *Id.*

From the Initial Distribution, the average payment amount was \$73.63, the median payment amount was \$71.51, the smallest payment was \$0.66, and the largest payment was \$437.01. *Id.* at ¶ 9. From the Supplemental Distribution, the average payment amount was \$20.77, the median payment was \$20.01, the smallest payment was \$0.19 and the largest payment was \$125.81. *Id.*

Notice was provided to Class Members via direct email and by print and digital publication notice, including a press release, streaming TV, digital banner notice, digital newsletters, and a public website. *Id.* Class Members were paid via checks and digital payments. *Id.*

Following the Supplemental Distribution, 9,820 payments were not redeemed, totaling \$165,971.56. *Id.* Pursuant to the terms of the Second Amended Class Action Settlement Agreement, this money, plus interest, in the total amount of \$172,709.57, was donated *cy pres* to the National Consumer Law Center (NCLC) on May 18, 2026. *Id.* at ¶¶ 9, 10, 11.

### Accounting

The following chart provides a detailed summary of settlement payments and the results of the distribution in accordance with the Final Approval Order:

Post-Distribution Accounting	
Description	Value
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>1</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
Dollar Amount of Payments Not Cleared (Supplemental Distribution)	\$165,971.56
Total Cy Pres Payment to the National Consumer Law Center	\$172,709.57

*Id.* at ¶ 9.

Following the filing of this Post-Distribution Accounting, P&N will post the conformed copy to the Settlement Website. *Id.* at ¶ 12.

Paragraph 16 of the Final Approval Order states “Twenty percent of the attorneys’ awarded will be held back pending the filing of a Post-Distribution Accounting by Class Counsel. With the Post-Distribution Accounting, Class Counsel should submit a proposed order releasing the remainder of the fees.” ECF No. 146 at p. 9. As of June 1, 2026, the balance that remains in the Qualified Settlement Fund is \$1,150,000, representing the 20% of attorneys fees held back pending the filing of this Post-Distribution Accounting. *Id.* at ¶ 11.

Accordingly, Class Counsel respectfully request the Court enter the concurrently submitted proposed order to authorize and order release of the 20% holdback of attorneys' Class Counsel.

Dated: June 1, 2026



---

GILLIAN L. WADE  
SARA D. AVILA  
MARC A. CASTANEDA  
Milstein, Jackson, Fairchild & Wade, LLP  
[gwade@mjfwlaw.com](mailto:gwade@mjfwlaw.com)  
[savila@mjfwlaw.com](mailto:savila@mjfwlaw.com)  
[mcastaneda@mjfwlaw.com](mailto:mcastaneda@mjfwlaw.com)  
2450 Colorado Avenue, Suite 100E  
Santa Monica, CA 90404  
Tel: (310) 396-9600  
Fax: (310) 396-9635

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

*Counsel for Plaintiffs and the Settlement Class*