

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

JOSHUA RAWA, ELISABETH MARTIN, ROBERT RAVENCAMP, AMY WARD, CYNTHIA DAVIES, CHRISTOPHER ABBOTT, OWEN OLSON, JEANNIE A. GILCHRIST, ZACHARY SHOLAR, MATTHEW MYERS, JOHN W. BEARD, JR., and MICHAEL OVERSTREET on behalf of themselves, all others similarly situated, and the general public,

Plaintiffs,

v.

MONSANTO COMPANY,

Defendant.

Case No. 4:17-cv-01252-AGF

Hon. Audrey G. Fleissig

MEDIATOR'S DECLARATION BY RETIRED JUDGE JAMES F. HOLDERMAN

Pursuant to 28 U.S.C. §1746

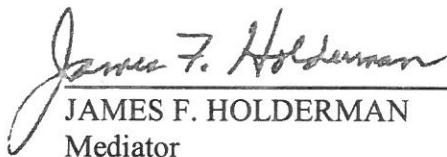
1. I am over 18 years old and am competent to testify. I am preparing this Declaration for filing with the consent of Counsel for both sides of the case. Unless otherwise indicated, I have personal knowledge of the facts set forth herein. Counsel for both sides have jointly asked me to submit this Declaration to explain the circumstances from my perspective of the proposed class settlement in this case.
2. Until my retirement on June 1, 2015, I served as a United States District Judge of the Northern District of Illinois for 30 years, and was Chief Judge of that District Court from July 1, 2006 through June 30, 2013.
3. On June 2, 2015, I began providing private dispute resolution services, including mediating class action lawsuits, at the JAMS Chicago Office.
4. On May 5, 2017, I commenced my service as the mediator in this case that ultimately resulted in the proposed settlement between the Plaintiff Class and Defendant Monsanto Company ("Monsanto"). The mediation process began on May 5, 2017 with a telephonic conference call among Counsel for the Plaintiff Class, Counsel for Monsanto and myself. On that conference call, we discussed the case and the procedures that would be employed in the mediation process. Among the procedures employed was the submission of multiple mediation statements by each side prior to the initial mediation session.
5. On June 21, 2017, at the initial mediation session were Counsel for the Plaintiff Class, Attorneys Jack Fitzgerald, Sidney Jackson, and Melanie Persinger; outside Counsel for Monsanto, Attorneys George Lombardi and John Rosenthal; Monsanto Corporate Representatives Attorney Robyn Buck, who is Monsanto's Assistant General Counsel-Litigation, and Attorney Scott

Partridge, who is Monsanto's Vice-President of Global Strategy, and myself. Although the details of what occurred at the day-long June 21, 2017 mediation session are confidential, I can say that Counsel for both sides skillfully represented their clients and negotiated hard on their respective clients' behalf. No settlement was reached on June 21, 2107, but with my encouragement, both sides agreed to further examine their respective positions on behalf of their clients and continue their mediated discussions.

6. On July 11, 2017, both sides again participated in a second day-long mediation session at the JAMS Chicago office with me as their mediator. The same Counsel for the Plaintiff Class were present. The same Counsel and Corporate Representatives were present from Monsanto. Although the details of what occurred are confidential, I can say Counsel for both sides continued to skillfully represent their respective clients, and after a day of hard bargaining at the July 11, 2017 mediation, a settlement was reached.

7. During the June 21, 2017 and the July 11, 2017 mediation sessions, Counsel for the Plaintiff Class and Counsel for Monsanto along with the Monsanto Corporate Representatives discussed with me, while in their respective, separate caucus rooms, their relative views of the law, the facts, and the risks involved in continuing to litigate, which Counsel for both sides were prepared to vigorously do if a settlement was not reached. I mediated their discussions using the shuttle-diplomacy method. During the June 21, 2017 and July 11, 2017 mediation sessions, I personally witnessed that each side's Counsel conducted their mediated settlement negotiations at all times in an adversarial, arm's-length, good faith and non-collusive manner. At the conclusion of the mediated negotiations in the late afternoon of July 11, 2017, after discussing, back and forth, each side's demands and offers with the other side, a mediated settlement was reached. I believe, under all the circumstances, it is a fair and just settlement for both sides and the best settlement for the Plaintiff Class to which Monsanto would agree. I also believe the settlement would not have been reached between Plaintiff Class and Monsanto but for the excellent skills and judgment of all Counsel involved.

Pursuant to Title 28, United States Code, Section 1746, I declare under penalty of perjury that the forgoing is true and correct. Executed on September 22, 2017.



JAMES F. HOLDERMAN
Mediator