

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

FILED

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HOLIDAY SHORES SANITARY DISTRICT,)
individually and on behalf of all others similarly)
situated,)

Plaintiff,)

v.)

SYNGENTA CROP PROTECTION, INC.; and)
GROWMARK, INC.)

Defendants.)

CASE NO.

04-688 MJR

CONSENT TO AND JOINDER IN REMOVAL

Defendant, GROWMARK, INC. ("Growmark"), with full reservation of all rights and defenses, by and through its attorneys, hereby submits its consent to and joinder in Syngenta Crop Protection, Inc.'s ("Syngenta") removal of this action, and in support states as follows:

1. On July 2, 2004, Plaintiff filed its putative Class Action Complaint in the Circuit Court of Madison County, Law Division. A true and correct copy of the Complaint is attached hereto as Exhibit A. Plaintiff did not serve either defendant with a copy of the Class Action Complaint.

2. On August 5, 2004, Plaintiff filed its First Amended Complaint. Plaintiff served a copy of the First Amended Complaint and summons on Growmark on August 27, 2004. True and correct copies of the Amended Complaint and the summons served on Growmark are attached hereto as Exhibit B.

3. On September 24, 2004, Syngenta filed its Notice of Removal of this action from the Circuit Court, Third Judicial Circuit of Illinois, Madison County to this Court.

4. Growmark hereby consents to Syngenta's removal of this action and joins to the Notice of Removal filed herein by Syngenta as if it had executed the aforementioned Notice as a joint petitioner.

Respectfully submitted,

GROWMARK, INC

By:


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