

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

HOLIDAY SHORES SANITARY )  
DISTRICT, Individually and on behalf of )  
all others similarly situated, )  
)  
Plaintiff, )  
)  
v. )  
)  
SYNGENTA CROP PROTECTION INC. )  
and GROWMARK, INC. )  
)  
Defendants. )

No. 04-688 MJR

**DEFENDANT’S MOTION FOR ORAL ARGUMENT  
ON PLAINTIFF’S MOTION TO REMAND**

NOW COMES, defendant, Syngenta Crop Protection Inc. (“Syngenta”), by and through the undersigned counsel, and respectfully requests oral argument on plaintiff, Holiday Shores Sanitary District’s (“HSSD”), Motion to Remand (“Motion”). In support hereof, Syngenta states as follows:

1. On July 2, 2004, plaintiff filed its putative Class Action Complaint against Syngenta and Growmark in the Circuit Court of Madison County, Law Division.
2. Plaintiff filed its First Amended Complaint on August 5, 2004, and defendants Syngenta and Growmark were served on August 25, 2004, and August 27, 2004, respectively.
3. Syngenta filed its Notice of Removal (“Notice”) on September 24, 2004.
4. HSSD filed its Motion on October 25, 2004.
5. Syngenta filed its response to the Motion on November 23, 2004.
6. Plaintiff’s reply, if any, is due on December 9, 2004.
7. As stated in Syngenta’s Notice, this is one of six cases that HSSD filed in the Circuit Court for the Third Judicial Circuit, Madison County, Illinois against Growmark, an

Illinois agricultural co-op, and one of six different out-of-state companies, including Syngenta, that allegedly manufacture, sell or distribute atrazine. The Madison County Circuit Court docketed the cases as follows: (a) *Holiday Shores Sanitary District, Individually and on behalf of all others similarly situated, v. DowAgroSciences LLC.*, No. 04-L-713 (the “DowAgro Case”); (b) *Holiday Shores Sanitary District, individually and on behalf of all others similarly situated v. Sipcam Agro USA, Inc.; and Growmark, Inc.*, No. 04-L-708 (the “Sipcam Case”); (c) *Holiday Shores Sanitary District, individually and on behalf of all others similarly situated v. Drexel Chemical Co.; and Growmark, Inc.*, No. 04-L-709 (the “Drexel Case”); (d) *Holiday Shores Sanitary District, individually and on behalf of all others similarly situated v. Syngenta Crop Protection, Inc.; and Growmark, Inc.*, No. 04-L-710 (the “Syngenta Case”); (e) *Holiday Shores Sanitary District, individually and on behalf of all others similarly situated v. United AgriProducts, Inc. d/b/a UAP Loveland Products, Inc.; and Growmark, Inc.*, No. 04-L-711 (the “UAP Case”); and (f) *Holiday Shores Sanitary District, individually and on behalf of all others similarly situated v. Makhteshim-Agan of North America, Inc.; and Growmark, Inc.*, No. 04-L-712 (the “MANA Case”).

8. The manufacturer-defendant in each matter above removed its case to this Court. This Court docketed the cases and assigned the Mana Case (No. 04-687), the Syngenta Case (No. 04-688) and the DowAgro Case (No. 04-691) to Judge Reagan, the UAP Case (No. 04-689) to Judge Murphy, and the Sipcam Case (No. 04-690) and the Drexel Case (No. 04-692) to Judge Herndon.

9. Chief Judge Murphy has scheduled oral argument on December 13, 2004 regarding HSSD’s Motion to Remand the UAP Case.

10. Syngenta believes that the issues presented in its Notice and HSSD’s Motion are such that oral argument will assist the Court’s review of the Motion. Moreover, oral argument will provide an opportunity for Syngenta to identify facts or issues that may distinguish its

situation from that of other defendants in these related cases, including in the UAP Case already set for hearing before Chief Judge Murphy on December 13.

WHEREFORE, Syngenta respectfully requests that the Court schedule oral argument on HSSD's Motion to Remand.

Dated: December 2, 2004

Respectfully submitted,

REEG, NOWOGROCKI & YECKEL, L.L.C.

/s/Kurtis B. Reeg  
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## CERTIFICATE OF SERVICE

The undersigned, an attorney for defendant SYNGENTA CROP PROTECTION INC. hereby certifies that on December 2, 2004, he caused to be served the attached NOTICE OF FILING and DEFENDANT'S MOTION FOR ORAL ARGUMENT ON PLAINTIFF'S MOTION TO REMAND below by U.S. mail before the hour of 5:00 p.m., addressed as follows:

TO: Anne Giddings Kimball  
WILDMAN, HARROLD,  
ALLEN & DIXON LLP  
225 West Wacker Drive, Suite 3000  
Chicago, Illinois 60606-1229

Stephen M. Tillery  
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701 Market Street, Suite 300  
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/s/Kurtis B. Reeg  
One of the attorneys for defendants

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**NOTICE OF FILING**

TO: Anne Giddings Kimball  
WILDMAN, HARROLD,  
ALLEN & DIXON LLP  
225 West Wacker Drive, Suite 3000  
Chicago, Illinois 60606-1229

Stephen M. Tillery  
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Scott Summy  
BARON & BUDD, P.C.  
3102 Oak Lawn Avenue, Suite 1100  
Dallas, Texas 75219-4281

PLEASE TAKE NOTICE that defendant SYNGENTA CROP PROTECTION INC. has filed a MOTION FOR ORAL ARGUMENT ON PLAINTIFF'S MOTION TO REMAND in the United States District Court for the Southern District of Illinois for the above-captioned case.

Dated: December 2, 2004

Respectfully submitted,

SYNGENTA CROP PROTECTION INC.

By: /s/Kurtis B. Reeg  
One of its Attorneys

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