

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE

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MONDAY, THE 3RD

JUSTICE KALAJDZIC

DAY OF MARCH, 2025

BETWEEN:

JEFFREY DEBLOCK

Plaintiff

- and -

**MONSANTO CANADA ULC, MONSANTO COMPANY and
BAYER INC.**

Defendants

Proceeding under the *Class Proceedings Act, 1992*

AMENDED ORDER

THIS MOTION, made by the Plaintiff for an order approving the form, manner and costs of notice and the time and manner of opting out was heard this 3rd day of March, 2025 by videoconference at 80 Dundas Street, London, Ontario.

ON READING the materials filed by the Plaintiff and hearing the parties' submissions;

AND UPON BEING ADVISED that the parties consent to this Order;

AND WHEREAS this action was certified as a class proceeding by way of an Order dated December 8, 2023;

1. **THIS COURT ORDERS** that the Long and Short Form Notices of Certification shall be provided in substantially the same form as the notices attached hereto as **Schedule "A"**, which are hereby approved subject to the right of the parties, on consent, to make non-material amendments as may be necessary or desirable.



2. **THIS COURT ORDERS** that the Long and Short-Form Notices of Certification shall be disseminated in substantially the same manner as described in the Notice Plan attached hereto as **Schedule "B"**, which is hereby approved, subject to the right of the parties, on consent, to make non-material amendments as may be necessary or desirable.
3. **THIS COURT ORDERS** that Epiq Class Action Services Canada Inc. shall be and is hereby appointed as the administrator for the dissemination of the Notice of Certification in the manner described in the Notice Plan, and to receive opt-outs (the "**Administrator**").
4. **THIS COURT ORDERS** that a Class Member may opt out of the class proceeding by delivering an opt-out form substantially in the form attached hereto as **Schedule "C"**, or some other legible signed request to opt out, to the Administrator by July 17, 2025. ("**Opt-Out Deadline**").
5. **THIS COURT ORDERS** that no Class Member may opt-out of the class proceeding after the Opt-Out Deadline, except with leave of the Court.
6. **THIS COURT ORDERS** that the Administrator shall serve on Class Counsel and the Defendant within 14 days after the expiry of the Opt-Out Deadline, an affidavit listing all persons who have opted out of the Class Proceeding, if any.
7. **THIS COURT ORDERS** that the cost of implementing the Notice Plan pursuant to this Order shall be shared equally between the Defendants and the Plaintiff.
8. **THIS COURT ORDERS** that there shall be no costs arising out of this Order.



SCHEDULE "A-1"

NOTICE OF CERTIFICATION

Roundup®/Glyphosate Class Action

A COURT HAS AUTHORIZED THIS NOTICE

If you or someone close to you had Significant Exposure to Roundup before December 8, 2023, and were diagnosed with Non-Hodgkin's Lymphoma after your Significant Exposure but before December 8, 2023, this notice is important.

Roundup, for purposes of this lawsuit, means any herbicide containing glyphosate that was made, marketed, sold or distributed by the Defendants, even if it was not marketed with the "Roundup" brand name. It does not include "Roundup® Advanced" herbicides, which do not contain glyphosate

Significant Exposure is defined as the application of Roundup on more than two occasions in a 12-month period and more than 10 occasions in a lifetime.

THE ONTARIO SUPERIOR COURT OF JUSTICE HAS AUTHORIZED THIS
NOTICE.

PLEASE READ IT CAREFULLY AS A CLASS ACTION MAY AFFECT YOUR
RIGHTS.

NOTICE OF CERTIFICATION
Roundup®/Glyphosate Class Action
A COURT HAS AUTHORIZED THIS NOTICE

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NOTICE OF CERTIFICATION
Roundup®/Glyphosate Class Action
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BASIC INFORMATION

Why is there a notice?

This lawsuit has been certified as a class action, which means that the court has approved for this lawsuit to move forward as a class action lawsuit (see section below on "**What is a class action**"). If you are part of the Class, you have certain rights and choices before the Court decides whether the claims made against the Defendants (on behalf of the Class) are valid. This notice explains the process and is here to help you understand your options.

This notice applies to all individuals in Canada who meet the Class Definition (see section "**Who is a member of the Class?**")

What is this lawsuit about?

This case is known as DeBlock v Monsanto Canada ULC et al., CV-699-19-CP. The person who started this lawsuit is called the Plaintiff. The corporations being sued are called the Defendants and they are: Monsanto Canada ULC (now Bayer CropScience Inc.), Monsanto Company, and Bayer Inc.

This class action lawsuit alleges that the Roundup® and other glyphosate-based herbicides may cause Non-Hodgkin's Lymphoma (also referred to as "NHL"), a type of cancer, and that the Defendants sold Roundup and other glyphosate-based herbicides without properly warning users of this alleged risk.

The lawsuit seeks compensation for people who, before December 8, 2023, had Significant Exposure to Roundup and were diagnosed with NHL after their Significant Exposure but before December 8, 2023.

Roundup, for purposes of this lawsuit, means any herbicide containing glyphosate that was made, marketed, sold or distributed by the Defendants, even if it was not marketed with the "Roundup" brand name. It does not include "Roundup® Advanced" herbicides, which do not contain glyphosate

Significant Exposure is defined as the application of Roundup on more than two occasions in a 12-month period and more than 10 occasions in a lifetime.

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The class action seeks damages and declarations related to claims for alleged negligence (negligent design and failure to warn). In particular, the class action seeks:

- a) a declaration that the Defendants breached their duty of care to the Class Members;
- b) a declaration that the Defendants were negligent in the research, development, design, manufacture, testing, distribution, sale and marketing of Roundup products;
- c) a declaration that the Defendants were negligent in their failure to warn Roundup users and the public of the health risks associated with Significant Exposure to Roundup;
- d) a declaration that the Defendants are vicariously liable for the acts and omissions of their officers, directors, agents, employees and representatives;
- e) non-pecuniary damages;
- f) pecuniary and special damages in an amount to be determined;
- g) damages pursuant to the Family Law Act, RSO 1990, c F3 s 61, and similar legislation (and the common law) in other provinces;
- h) punitive damages;
- i) the costs of distributing all monies received to class members;
- j) prejudgment and postjudgment interest; and
- k) costs on a substantial indemnity basis, plus applicable taxes;

The certified common issues in this lawsuit are:

- (i) Can glyphosate be genotoxic in humans?
- (ii) Is glyphosate associated with non-Hodgkin's lymphoma?
- (iii) Can Significant Exposure to Roundup cause non-Hodgkin's lymphoma?
- (iv) Did the labels, packaging, marketing material or other material provided by the defendants to consumers warn users that exposure to Roundup could cause non-Hodgkin's lymphoma?
- (v) Did the labels, packaging, marketing material or any other material provided by the defendants to consumers warn users to prevent exposure through the use of protective gear or other means, and that the failure to do so could cause non-Hodgkin's lymphoma?
- (vi) Did the defendants owe a duty of care to Class Members?

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- (vii) If the answer to question (vi) is "yes", what was the standard of care applicable to the defendants?
- (viii) Did the defendants breach that standard of care? If so, when and how?
- (ix) Are the defendants, or any of them, liable to pay punitive damages to the Class Members, having regard to the nature of their conduct and, if so, in what amount?

The Defendants vigorously deny that their glyphosate-based herbicides, including Roundup-branded herbicides, cause Non-Hodgkin's Lymphoma.

The Court has not decided whether the Plaintiff or the Defendants are right. The lawyers for the Plaintiff will have to prove the claims in Court.

What is a class action?

In a class action, one or more people called "representative plaintiffs" sue on behalf of people who have similar claims. All of these people with similar claims are called the "class" or "class members." The court resolves the issues for all class members, except for those who remove themselves from the class.

The representative plaintiff in this case is Jeffrey DeBlock. Mr. DeBlock used Roundup® when he was a teenager, and was subsequently diagnosed with NHL.

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Roundup®/Glyphosate Class Action
A COURT HAS AUTHORIZED THIS NOTICE

Who is a member of the Class?

You are automatically included in this lawsuit if you meet the Class Definition. The Class Definition is:

All individuals in Canada who (a) had Significant Exposure to Roundup prior to December 8, 2023, and (b) were diagnosed with non-Hodgkin's lymphoma after their Significant Exposure but before December 8, 2023.

Thus, to be a member of the Class, you must meet the following criteria:

- (i) Before December 8, 2023, you have applied any herbicide containing glyphosate that was manufactured, marketed, distributed, and/or sold by Monsanto Canada ULC (now Bayer CropScience Inc.), the Monsanto Company, or Bayer Inc., regardless of whether it was marketed with the "Roundup®" branding, on more than two occasions in a 12-month period and more than 10 occasions in a lifetime; AND
- (ii) After the exposure scenario described in (i) above, be diagnosed with Non-Hodgkin's Lymphoma before December 8, 2023.

A person who meets the criteria above will be referred to as a "Non-Hodgkin's Lymphoma Class Member".

You are also a member of the Class if you are the living spouse, child, grandchild, parent, grandparent, or sibling of a person who is a Non-Hodgkin's Lymphoma Class Member. Family members in the Class are referred to as a "Family Class Member".

All individuals in Canada who meet the Class Definition will be automatically included in the class.

What is the Plaintiff asking for?

The Plaintiff is asking for monetary compensation known as damages for harms suffered by the Plaintiff and the Class.

Is there any money available right now?

No money or benefits are available now because the Court has not yet decided whether the Defendants did anything wrong, and the two sides have not settled the case. There is no guarantee that money or any other benefits will ever be obtained. If they are, notice will be sent out to notify Class Members about how they can make a claim.

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Roundup®/Glyphosate Class Action
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YOUR OPTIONS

How do I include myself in the lawsuit?

You are automatically included in the lawsuit if you meet the Class Definition (see section above on "Who is a member of the Class?").

How do I exclude myself from the lawsuit?

If you decide not to participate in this lawsuit, you must remove yourself. This is referred to as "opting out." If you remove yourself:

- you will not receive any money or benefit that may be obtained as a result of this lawsuit;
- you will not be bound by any Court orders; and
- you keep your right to sue the Defendants regarding the issues in this case.

You cannot change your mind later and opt back into the class action.

To remove yourself, you must complete the Opt Out Form included with this notice or send a written request that says you want to be removed from the Roundup®/Glyphosate Class Action.

Your letter must include:

- (i) your name;
- (ii) address;
- (iii) telephone number;
- (iv) email address; and
- (v) signature.

The Opt Out Form or written request must be sent to **EPIQ INFO** or by email at: **EPIQ INFO**

You can also get the Opt Out Form at **[insert website]**.

Your Opt Out Form or written request must be received by **[INSERT DATE]**

If you have any questions about how to remove yourself from the Class, you may contact Class Counsel by:

Email: roundupclassaction@kmlaw.ca roundup@mckenzielake.com

Phone: 1-833-630-1783 (Koskie Minsky LLP) 1-800-261-4844 (McKenzie Lake LLP)

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Email <https://www.merchantlaw.com/class-actions-recours-collectif-canada/roundup-monsanto-bayer-non-hodgkins-lymphoma>
Form: <https://www.merchantlaw.com/class-actions-recours-collectif-canada/roundup-monsanto-bayer-non-hodgkins-lymphoma>

Phone: 1-866-982-7777 (Merchant Law LLP)

THE LAWYERS REPRESENTING YOU

Do I have a lawyer in this case?

Yes. The Court has appointed Koskie Minsky LLP, McKenzie Lake LLP, and Merchant Law Group LLP to represent you and the other Class Members as "Class Counsel."

If you want to be represented by another lawyer, you must opt out and hire one to represent you for your own, individual action, at your own expense.

Class members located in Québec can contact Dussault De Blois Lemay Beaudesne SENCRL to obtain access to legal services in French and more information about this class action and the parallel proposed class proceeding commenced in Québec:

Dussault De Blois Lemay Beaudesne SENCRL

2795, boul. Laurier, suite 450

Québec, QC, G1V 4M7

Phone: (1) 418-657-2424

Email: actioncollective@dlblegal.ca

Website: <https://www.dlblegal.ca/fr/roundup/>

How will the lawyers be paid?

Class Counsel will only be paid if the action is successful. If it is successful, they will request that the Court permit them to deduct their fees from the proceeds of the action. If the Court grants their request, the fees and expenses would be deducted from any money obtained for the Class.

How and when will the Court decide who is right?

If the case is not settled, the Plaintiff will have to prove his claims and the claims of the Class at a trial. During the trial, a court will hear all of the evidence, so that a decision can be reached about whether the Plaintiff or the Defendants are right about the claims in the lawsuit. There is no guarantee that the Plaintiff will win any money or benefits for the Class.

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Will I get money after the trial?

If the Plaintiff succeeds at obtaining money or benefits as a result of a trial or settlement, notice will be sent out to inform Class Members about how to make claims and/or their options at that time.

GETTING MORE INFORMATION

How do I get more information?

You can get more information about this case on Class Counsel's websites:

<https://kmlaw.ca/cases/roundup-class-action/>

<https://www.mckenzielake.com/roundup-class-action/>

<https://www.merchantlaw.com/class-actions-recours-collectif-canada/roundup-monsanto-bayer-non-hodgkins-lymphoma>

Class members located in Québec can contact Dussault De Blois Lemay Beauchesne SENCRL to obtain access to legal services in French and more information about this class action and the parallel proposed class proceeding commenced in Québec:

Dussault De Blois Lemay Beauchesne SENCRL

2795, boul. Laurier, suite 450

Québec, QC, G1V 4M7

Phone: (1) 418-657-2424

Email: actioncollective@dlblegal.ca

Website: <https://www.dlblegal.ca/fr/roundup/>

SCHEDULE "A-2"

NOTICE OF CERTIFICATION OF ROUNDUP®/GLYPHOSATE CLASS ACTION

If you or someone close to you had Significant Exposure to Roundup, before December 8, 2023, and were diagnosed with Non-Hodgkin's Lymphoma after your Significant Exposure but before December 8, 2023, this notice is important.

Roundup, for purposes of this lawsuit, means any herbicide containing glyphosate that was made, marketed, sold or distributed by the Defendants, even if it was not marketed with the "Roundup" brand name. It does not include "Roundup® Advanced" herbicides, which do not contain glyphosate.

Significant Exposure is defined as the application of Roundup on more than two occasions in a 12-month period and more than 10 occasions in a lifetime.

The Ontario Superior Court of Justice has authorized this notice.

PLEASE READ IT CAREFULLY AS A CLASS ACTION MAY AFFECT YOUR RIGHTS.

On December 8, 2023, the Ontario Superior Court of Justice certified a class action against Monsanto Canada ULC (now Bayer CropScience Inc.), Monsanto Company, and Bayer Inc. (together, the "Defendants"). The class action lawsuit alleges that Roundup® and other glyphosate-based herbicides may cause Non-Hodgkin's Lymphoma (also referred to as "NHL"), a type of cancer, and that the Defendants sold Roundup and other glyphosate-based herbicides without properly warning users of this alleged risk.

The lawsuit seeks compensation for people who, before December 8, 2023, applied glyphosate-based herbicides made, marketed, sold or distributed by the Defendants on more than two occasions in a 12-month period and more than 10 occasions in a lifetime, and who are diagnosed with Non-Hodgkin's Lymphoma (a type of cancer) after their Significant Exposure but before December 8, 2023. All individuals in Canada who meet the abovementioned criteria will be included in the class action, unless they decide to opt out or remove themselves from the litigation.

Certain family members of those who meet the above criteria are also included in the class action. People who meet these criteria are also referred to as "Class Members".

The class action seeks damages and declarations related to claims for alleged negligence (negligent design and failure to warn).

The Defendants vigorously deny that their glyphosate-based herbicides, including Roundup-

branded herbicides, cause Non-Hodgkin's Lymphoma.

If you are a Class Member and wish to remain in the Class, you do not need to do anything at this time.

If you are a Class Member and do not want to participate in the class action, you must take steps to remove yourself from the class action (also known as "opting out"). A person who opts out will not be entitled to participate in the class action. A Class Member who opts out will NOT be entitled to any compensation that results from the class action. However, any person who opts out retains their right to pursue a claim in a separate proceeding.

To opt out, you must send a written, signed election, including your name, address, telephone number to:

EPIQ INFORMATION [TBD] by XXXXX [DEADLINE TBD]

This notice does not mean that the Court believes the plaintiffs are likely to win, or that the claims or defences from either side have merit. The Court has not decided whether the Defendants did anything wrong, and the Defendants vigorously deny any wrongdoing. There is no money available now in respect of this lawsuit and no guarantee that money will be available.

If you have any questions regarding the certification order or about the class action in general, further information, including the full Notice is available on Class Counsel's website at www.mckenzielake.com and <https://kmlaw.ca/cases/roundup-class-action/>.

You can also contact Class Counsel directly, as follows:

McKenzie Lake Lawyers LLP: Toll Free Tel: 1.844.672.5666 | kim.jones@mckenzielake.com

Koskie Minsky LLP: Toll Free Tel: 1.833.630.1783 | roundupclassaction@kmlaw.ca

Merchant Law Group LLP: Toll Free Tel: 1.866.982.7777 | email form available on <https://www.merchantlaw.com/class-actions-recours-collectif-canada/roundup-monsanto-bayer-non-hodgkins-lymphoma>

Class members located in Québec can contact Dussault De Blois Lemay Beauchesne SENCRL to obtain access to legal services in French and more information about this class action and the parallel class proceeding commenced in Quebec:

Dussault De Blois Lemay Beauchesne SENCRL

2795, boul. Laurier, suite 450

Québec, QC, G1V 4M7

Phone: (1) 418-657-2424

Email: actioncollective@dlblegal.ca

Website: <https://www.dlblegal.ca/fr/roundup/>

SCHEDULE "B"

NOTICE PLAN

Notice of Certification shall be provided as follows:

1. Within 40 business days of the Order approving the form, manner and costs of notice ("**Notice Approval Order**"), Class Counsel shall post the Long Form Notice and Short Form Notice on their respective websites;
2. Within 40 business days of the Notice Approval Order, Class Counsel shall send a copy of the Long Form Notice and Short Form Notice to individuals who have approached Class Counsel about the class action by mail or email, as the case may be;
3. Within 50 business days of the Notice Approval Order, the Administrator shall publish the Short Form Notice, in English and/or French, as the case may be, in the following newspapers:
 - (a) National Post
 - (b) Calgary Herald
 - (c) Edmonton Journal
 - (d) Vancouver Sun
 - (e) Winnipeg Free Press
 - (f) L'Étoile
 - (g) St. John Telegraph-Journal
 - (h) Halifax Chronicle-Herald
 - (i) Toronto Star
 - (j) Charlottetown The Guardian
 - (k) The Montreal Gazette
 - (l) Le Journal de Montréal
 - (m) Saskatoon Star Phoenix
 - (n) Le Journal de Québec
4. Subject to the publishing schedules of the relevant publications, within 60 business days of the Notice Approval Order, the Administrator shall publish the Short Form Notice

in English and/or French, as the case may be, in the following Farming Magazines / Newspapers:

- (a) Better Farming
- (b) Better Farming Prairies
- (c) Farmer/Stockman Ag-Viser (Central and North Alberta)
- (d) Farmer/Stockman Ad-Viser (South Alberta)
- (e) Farmers' Advocate (Neepawa Banner & Press)
- (f) Manitoba Farmlife
- (g) Saskatchewan Farmlife
- (h) Alberta Farmer Express
- (i) Farmtario
- (j) Le Bulletin des Agriculteurs
- (k) Agricoleidéal
- (l) Ontario Farmer
- (m) The Rural Voice

5. Within 40 business days of the Notice Approval Order, the Administrator shall provide notice of certification via internet advertisements containing links to the Short Form Notice and Long Form Notice on the following platforms in English and French:

- (a) Google Display Network targeting:
 - (i) Roundup
 - (ii) Weed Control, Farming, Landscaping and Home Gardening
 - (iii) Farm Manager, Crop Producer, Agronomist, Agricultural Producer, Farm Operator, Field Crop Manager, Agricultural Consultant, Plant Production Manager, Grain Farmer, Crop Production Specialist, Soil and Crop Manager, Agricultural Extension Officer, Farm Owner/Operator, Farm Supervisor, and Seed Production Manager

(b) StackAdapt targeting:

(i) Users of Round-up (Monsanto), Farming and Gardening Supplies, and/or Agricultural Chemicals

6. Within 40 business days of the Notice Approval Order, the Administrator shall distribute the Press Release via the CNW national newswire service.

7. Class Counsel shall provide a copy of the Long Form Notice to any person who requests it.

SCHEDULE "C"

To: **Admin address**
Admin email: [email]

This is an **OPT OUT FORM**. This is **NOT** a claim form. Completing this form will **REMOVE / EXCLUDE** you from receiving any compensation arising out of any settlement or judgment in the class proceeding named below:

COURT FILE NO.: CV-19-00000699-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN

JEFFREY DEBLOCK

Plaintiff

AND

MONSANTO CANADA ULC, MONSANTO COMPANY AND BAYER INC.

Defendants

Brought under the *Class Proceedings Act, 1992*

I understand that by opting out of this class proceeding I am confirming that I do NOT wish to participate in this class proceeding. I do NOT wish to receive any benefit that may be obtained from the lawsuit.

I understand that I must email or mail this opt-out form to the address indicated above before **[OPT OUT DEADLINE]**, or else it will *not* be valid.

I understand that any individual claim I may have must be commenced within a specified limitation period or else it will be legally barred. I understand that the filing of this class proceeding suspended the running of the limitation period from the time the class proceeding was filed. The limitation period will **resume running against me** if I opt out of this class proceeding.

I understand that by opting out, I take full responsibility for the resumption of the running of any relevant limitation period and for taking all necessary legal steps to protect any claim I may have.

Name of Class Member
Telephone: _____

Signature of Class Member Opting Out
or of Guardian of Property (if applicable)
Date: _____

Name of Witness
Telephone: _____

Signature of Witness
Date: _____

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT LONDON

ORDER

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