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Have You Heard?

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SYNGENTA GMO SETTLEMENT CLAIMS DUE OCTOBER 12

The federal judge presiding over the Syngenta class action lawsuit granted preliminary approval for the \$1.51 billion Syngenta GMO corn lawsuit settlement on April 10, 2018. Written settlement notices have been mailed to corn producers, crop-share and some variable cash rent landlords, grain handling facilities and ethanol production facilities beginning on May 11, 2018.

Producers who priced corn for sale between September 15, 2013 and April 10, 2018, and who have not opted out of the class action lawsuit or settlement, are eligible to receive settlement payments. Producers who planted Viptera or Duracade seed are in a different payment category but are eligible to participate in the settlement payout.

You can file your claim online at <https://www.cornseedsettlement.com/> or with a paper claim form (call 1-833-567-2676). You can download a claim form and fill it out to help you complete the online claim form. The deadline for filing your claim is October 12, 2018. If July is wetter than normal, maybe that will be a good time for you to complete the form either online or on paper.

Essentially, payments will be based on the number of corn acres (as per your FSA Form 578 or RMA crop insurance information) times the average county yield as determined by USDA NASS data for each crop year.

On or around November 15, 2018, the judge will hold a “fairness” hearing on whether to approve the settlement as fair, reasonable and adequate. Also, Syngenta will have a limited opportunity to withdraw from the settlement if too many producers have opted out of the settlement. If the judge approves the settlement, Syngenta must pay the settlement amount into the settlement fund no later than April 1, 2019 or 30 days after the judge approves the settlement, whichever is later. If producers object to the settlement plan, it could be a year or so before payments are made.

Farm managers cannot file a claim even if they have authority with the FSA office for farm management. Settling farm estates are different. There is more information about this in the reference link below.

Last fall two land grant university economics professors estimated the average payment over the 5 years involved was 8.18 cents per bushel to 9.74 cents per bushel. But then attorney fees and a settlement discount will apply. Both professors estimated hypothetical net recovery to be around \$100 per 1,000 bushels of corn.

Remember years ago the StarLink class action case? A lot of corn producers didn't apply or participate in that class action and in the end the payment was larger than expected for those that applied. Will history repeat itself?

More detailed information about the settlement process is available from the Iowa State University Center for Agricultural Law & Taxation, available at <http://www.calt.iastate.edu/blogpost/corn-farmers-may-begin-filing-claims-syngenta-settlement-may-11>