



Corn Seed Settlement Program

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A. Basic Information

1. What is this Settlement about?

In 2010, Syngenta began selling a genetically modified corn seed with the brand name “Agrisure Viptera” (also called just “Viptera”), which included a new insect-resistant genetic trait called “MIR 162.” In 2013, Syngenta began selling another genetically modified corn seed brand-named “Agrisure Duracade,” (also called just “Duracade”), which included both the MIR 162 trait and a new insect-resistant trait known as “Event 5307.”

Corn Producers, Ethanol Production Facilities, and Grain Handling Facilities filed lawsuits against Syngenta claiming that Syngenta sold Viptera and Duracade corn seed before it should have because the MIR 162 and Event 5307 genetically modified traits contained in those seeds had not yet received import approval in China. The lawsuits argue that Syngenta should have waited to sell those seeds until it had obtained import approval in China and that Syngenta did not take reasonable steps to ensure that the seed was sold in a manner that corn harvested from Viptera and Duracade seed did not contaminate portions of the United States (“U.S.”) corn supply exported to China. The lawsuits claimed that China began rejecting shipments of U.S. corn after allegedly detecting Viptera traits in shipments from the U.S., causing the U.S. corn industry to lose access to the Chinese market and resulting in lower corn prices.

Syngenta denies that it did anything wrong, in part because before Viptera and Duracade were made available to U.S. farmers, the traits in those products were approved as safe and effective by the U.S. Department of Agriculture, the U.S. Food and Drug Administration, the U.S. Environmental Protection Agency and all of the historical U.S. trading partners for corn. Syngenta argues that China historically was not a reliable and consistent importer of U.S. corn when the company launched Viptera and Duracade, and that in any event it was exporters—not Syngenta—that sent U.S. corn to China knowing that Viptera and Duracade were not yet approved there. Syngenta also states that the price drop in corn in 2013 was not the result of China’s rejection of U. S. corn, but rather was the product of a worldwide bumper crop of corn. Both the MIR 162 and Event 5307 traits now *do* have Chinese approval.

2. Why are the lawsuits class actions?

In a class action, one or more people, called Class Representatives, sue on behalf of people who have similar claims. The Class Representatives, called the “Representative Plaintiffs” in the Settlement Agreement, include Corn Producers who did and did not purchase and plant Viptera or Duracade, Grain Handling Facilities, and Ethanol Production Facilities. The names of the Representative Plaintiffs are available on the Settlement Website, www.CornSeedSettlement.com. The group of people they sue on behalf of is called a “Class,” and the individual people or

companies in that Class are called “Class Members.” The Kansas Federal Court will decide if this case should be a class action for purposes of the Settlement. If it does, the Kansas Federal Court will resolve the issues for all Class Members, except for those who exclude themselves from the Class.

3. Why is there a Settlement?

No court has decided that either Plaintiffs or Defendants are right or wrong. A jury in the Kansas litigation found Syngenta negligent and awarded damages to a class of Kansas corn producers, but Syngenta asked the Kansas Federal Court to reject the jury’s decision. At the time of Settlement, the Kansas Federal Court had not yet ruled on Syngenta’s request, and even if the judge had accepted the jury’s decision, Syngenta would have appealed. Plaintiffs in that case also would have appealed the claims on which Syngenta won. A Minnesota class jury trial had begun and, after three weeks of testimony and prior to a jury verdict, the parties agreed to this Settlement. Finally, the claims of classes of Corn Producers and individual Corn Producers in several other states, of Grain Handling Facilities, and of Ethanol Production Facilities, which all had been filed in the Kansas Federal Court and other courts, were advancing toward their own trials as well.

Both sides have now agreed to a settlement, which is an agreement between a plaintiff and a defendant to resolve a lawsuit. That way, they avoid the costs of further trials and appeals, and the people affected will receive compensation. A settlement resolves those issues and makes money available sooner to those claiming injury. The Class Representatives and their attorneys believe that this Settlement is in the best interests of everyone concerned. Although no cases have been tried by Grain Handling Facilities or Ethanol Production Facilities, this Settlement also makes money available to them.

The Settlement does not mean that the Plaintiffs or Defendants admit that any of the other side’s claims or arguments are right.

4. Am I part of the Settlement Class?

You are a member of the Settlement Class certified by the Kansas Federal Court if you are a Corn Producer, a Grain Handling Facility, or an Ethanol Production Facility that fits into one of the definitions below, even if you have already filed your own lawsuit against Syngenta. You will see references to “Corn” with a capital “C” which, in the context of this Settlement, means corn produced in the United States, and/or dried distillers’ grains (“DDGs”) produced from that corn by Ethanol Production Facilities as a byproduct of ethanol production, priced for sale after September 15, 2013. For purposes of this Settlement:

- (a) **Corn Producers.** A “Corn Producer” is any owner, operator, landlord, waterlord, tenant, or sharecropper who shares in the risk of producing Corn and who is entitled to share in the Corn crop available for marketing between September 15, 2013 and April 10, 2018. A landlord who receives a variable rent payable based on a share of the Corn crop or proceeds from the sale of Corn is a Corn Producer. A landlord who receives only a fixed cash amount for renting the land that does not vary with the size of, or pricing for, the Corn crop is not a Corn Producer. This Settlement affects Corn Producers in the U.S. with an interest in U.S. corn priced for sale between September 15, 2013 and April 10, 2018.

(b) Grain Handling Facility. A “Grain Handling Facility” is any grain elevator, grain distributor, grain transporter, or any other entity in the U.S. that, between September 15, 2013 and April 10, 2018, (a) purchased Corn and then priced Corn in the United States for sale between September 15, 2013 and April 10, 2018; and/or (b) purchased Corn and then transported, stored or otherwise handled Corn that was priced for sale between September 15, 2013 and April 10, 2018. This settlement affects Grain Handling Facilities with an interest in U.S. corn priced for sale between September 15, 2013 and April 10, 2018.

(c) Ethanol Production Facility. An “Ethanol Production Facility” is any ethanol plant, biorefinery, or other entity in the U.S. that, between September 15, 2013 and April 10, 2018, produced or purchased DDGs in the United States and priced those DDGs for sale. This settlement affects Ethanol Production Facilities with an interest in U.S. Corn priced for sale between September 15, 2013 and April 10, 2018.

Excluded from the Settlement Class are the following: (a) the Court and its officers, employees, appointees, and relatives; (b) Syngenta and its affiliates, subsidiaries, officers, directors, employees, contractors, agents, and representatives; (c) all plaintiffs’ counsel in the MDL Actions or the Related Actions; (d) government entities; (e) those opting out of the Settlement; and (f) the Archer Daniels Midland Company, Bunge North America, Inc., Cargill, Incorporated, Cargill, International SA, Louis Dreyfus Company, BV, Louis Dreyfus Company, LLC, Louis Dreyfus Company Grains Merchandising, LLC, Gavilon Grain, LLC, Trans Coastal Supply Company, Inc., Agribase International Inc., and the Delong Co. Inc. (and all affiliates).

5. Am I part of the Settlement Class if I bought Viptera or Duracade?

Yes. The Settlement includes both Corn Producers who did and did not purchase and plant Syngenta’s Viptera and/or Duracade seeds. Whether an eligible Corn Producer purchased and planted Viptera and/or Duracade affects the amount that the Corn Producer will be paid in this Settlement.

6. Am I part of the Settlement Class even if I have already filed my own lawsuit?

Yes. Even if you have already filed your own lawsuit or retained your own attorney, you are a part of the Settlement Class if you are a Corn Producer, a Grain Handling Facility, or an Ethanol Production Facility that fits into the one of the defined groups above. Additionally, even if you have previously excluded yourself from a class, you are still a member of the Settlement Class unless and until you submit a timely, valid request for exclusion from this Settlement Class.

7. Are landlords eligible to participate in the Settlement?

Yes, a landlord who shares in the risk of producing Corn or the pricing of Corn and who is entitled to share in the Corn crop or proceeds from the sale of the Corn crop available for marketing between September 15, 2013 and April 10, 2018 is eligible to participate in the Settlement. A landlord who receives a variable rent payable based on a share of the Corn crop or proceeds from the sale of Corn can participate in the Settlement. A landlord who receives only a fixed cash amount for renting the land that does not vary with the size of, or pricing for, the Corn crop cannot

participate in the Settlement unless that fixed cash amount is tied to the price of Corn. If you claim as a landlord based on a fixed cash amount tied to the price of corn, you will have to provide proof of such an agreement with a Producer.

A landlord must submit his or her own Claim Form. A farmer cannot file a claim for the landlord's share of the corn marketed, if that share was reported to the Farm Service Agency ("FSA") of the U.S. Department of Agriculture ("USDA"), even if the farmer normally markets the corn on behalf of the landlord.

8. I produced and marketed Wet Distilled Grains ("WDGs") during the Class Period. Am I a Class Member?

No, you are not a Class Member.

9. What am I giving up to get a payment?

Unless you exclude yourself, you are staying in the Settlement Class, and that means that you cannot sue, continue to sue, or be part of any other lawsuit against Syngenta involving the legal issues in *these* cases being settled. It also means that all of the Court's orders relating to this Settlement will apply to you and legally bind you. Even if you do not submit a claim to get paid, you will give up your claims against Syngenta and be bound by the Court's orders. You must submit a Claim Form to get paid.

A copy of the Settlement Agreement containing the full language of the legal release and all of the terms of the Settlement is available in the Documents section of the Settlement Website, www.CornSeedSettlement.com.

10. Does my participation in this Settlement affect any claims I may have against exporters relating to these issues?

Your participation as a Class Member in this Settlement does not and will not affect any claims you may have against exporters related to the rejection of U.S. corn by China. You will not lose any claims you may have against any exporters. The only claims that are being released if you do not request to be excluded from the Class are claims against Syngenta.

11. I do not want to participate in the Settlement. How do I exclude myself?

If you ask to be excluded, you will not get any settlement payment, and you cannot object to the Settlement. You will not be legally bound by anything that happens in the lawsuit. You may be able to sue (or continue to sue) Syngenta in the future. If you want to be excluded from this Settlement, you must submit an exclusion request by August 10, 2018, even if you have already sued Syngenta separately.

The procedure for asking to be excluded from the Settlement (submitting an "Opt-Out Request") varies depending on what type of Class Member you are. The procedures to opt-out based on Class Member type are explained below.

(a) Corn Producer Opt-Out Procedure.

If you are a Corn Producer and do not want to be included in the Settlement, you must mail a written Opt-Out Request to the Claims Administrator that includes the following:

- (1) Your full legal name (or entity name if applicable), valid mailing address, and all digits of your Social Security Number or (if an entity) Tax Identification Number (“TIN”), a functioning telephone number, and the address of the farm(s) whose Corn priced for sale after September 15, 2013 was allegedly impacted by Agrisure Viptera and/or Duracade Corn Seed;
- (2) A statement that you have reviewed and understand the Class Notice and choose to be excluded from the Settlement Class, and that you understand that by opting out, you will not share in any recovery obtained on behalf of the Settlement Class;
- (3) The name and contact information of your attorney, if you have one;
- (4) A statement indicating that you are a Corn Producer who during the Class Period owned an Interest in Corn in the U.S. that was priced for sale after September 15, 2013;
- (5) Either (1) a signed consent to obtain your FSA 578 Report and RMA Data for each year from 2013-2017 related to any Corn crop in which you have an interest, or (2) a statement certifying by penalty of perjury, based on your knowledge, information, and belief, the number of planted Corn acres for each calendar year from 2013-2017 and your share of Corn planted on those acres in which you had an Interest; and
- (6) Your actual signature in ink and the signature of anyone else required under law to bind the Corn Producer who is seeking to be excluded (not an electronic copy). The signature of your attorney representing you in this matter will **not** be accepted by the Court. ***You must sign your own Opt-Out Request.***

A tenant who excludes himself from the Settlement cannot exclude a landlord’s ownership interest in the Corn crop and vice versa; a husband and wife with a 50-50 interest in a crop, as reported to the FSA, must each sign an Opt-Out Request to exclude 100% of their crop from the Settlement; and someone who produces Corn under multiple entity names must execute an Opt-Out Request for each separate entity.

Any Corn Producer who does not submit a valid Opt-Out Request for a particular interest will have that interest included in the Settlement Class.

(b) Grain Handling Facility Opt-Out Procedure.

If you are a Grain Handling Facility and do not want to be included in the settlement, you must send a written Opt-Out Request to the Claims Administrator that includes the following:

- (1) Your full legal name (or entity name if applicable), valid mailing address, and all digits of your Social Security or (if an entity) TIN, and a functioning telephone number;
- (2) A statement that you have reviewed and understand the Class Notice and choose to be excluded from the Settlement Class and, that you understand that by opting out, the Facility will not share in any recovery obtained on behalf of the Settlement Class;
- (3) The name and contact information of your attorney, if you have one;
- (4) A statement indicating that you are a Grain Handling Facility;
- (5) Business records demonstrating (1) the number of Corn bushels purchased per Marketing Year; (2) the number of Corn bushels priced for sale after September 15, 2013 and for each Marketing Year (if any); (3) your total Storage Capacity; and
- (6) Your actual signature in ink and the signature of anyone else required under law to bind the Grain Handling Facility seeking to be excluded (not an electronic copy). The signature of your attorney representing you in this matter will **not** be accepted by the Court. *You must sign your own Opt-Out Request.*

(c) Ethanol Production Facility Opt-Out Procedure.

If you are an Ethanol Production Facility and do not want to be included in the settlement, you must send a written Opt-Out Request to the Claims Administrator that includes the following:

- (1) Your full legal name (or entity name if applicable), valid mailing address, and all digits of your Social Security or (if an entity) TIN, and a functioning telephone number;
- (2) A statement that you have reviewed and understand the Class Notice and choose to be excluded from the Settlement Class and, that you understand that by opting out, the Facility will not share in any recovery obtained on behalf of the Settlement Class;
- (3) The name and contact information of your attorney, if you have one;
- (4) A statement indicating that you are an Ethanol Production Facility;
- (5) Business records demonstrating (1) the number of Corn bushels purchased per Marketing Year; (2) the number of short tons of DDGs priced for sale after September 15, 2013 and for each Marketing Year (if any); (3) your total Production Capacity; and

- (6) Your actual signature in ink and the signature of anyone else required under law to bind the Ethanol Production Facility seeking to be excluded (not an electronic copy). The signature of your attorney representing you in this matter will **not** be accepted by the Court. ***You must sign your own Opt-Out Request.***

For Any Class Member seeking to opt-out of the Settlement (whether you are a Corn Producer, Grain Handling Facility, or Ethanol Production Facility), your signature **must be** made and dated on or after May 11, 2018. Finally, your Opt-Out Request must be postmarked by August 10, 2018 and mailed to:

Corn Seed Settlement Claims Administrator
P.O. Box 26226
Richmond, VA 23260

You cannot exclude yourself on the phone or by e-mail. If you do not provide the information required to opt-out or fail to timely submit an Opt-Out Request, you will be deemed to have waived your right to opt-out and will be a member of the Settlement Class.

No person or entity, including another Class Member, may submit an Opt-Out Request on behalf of any other Class Member or that Class Member's interest in a claim covered by the Settlement.

The Court will not accept Opt-Out Requests signed BEFORE the date the Notice Administrator mailed the Class Notice. This includes any exclusions that were submitted for previous class notices or class actions related to Agrisure Viptera or Duracade corn seed. This means if you opted out of one or more of the prior class actions, you are included in this Settlement unless you opt-out again.

12. If I opt-out, can I maintain my lawsuit against Syngenta?

If you timely opt-out, you may sue or continue to sue Syngenta because you will not be bound by the Settlement. You should know, however, that as part of this Settlement, Syngenta has agreed that for at least one year following the date the Settlement is completed, it will not pay any Class Member who opts out more favorably than it is treating similarly-situated Class Members who stay in the class. The only way to get more money in a separate suit prior to that date would be to take your case to trial, obtain a verdict that is better than this Settlement, and win on appeal.

13. If I do not opt-out, can I sue Syngenta for the same thing later?

No. Unless you exclude yourself, you give up the right to sue Syngenta for the claims that this Settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself, if eligible, from this Settlement Class to continue your own lawsuit. Remember, the exclusion deadline is August 10, 2018.

14. Can I revoke my timely opt-out?

You may revoke your Opt-Out Request by submitting a revocation request in writing to the Claims Administrator. The Class Member, or the Representative of the Class Member, must

personally sign the revocation request with an actual ink signature. Your revocation must be postmarked by August 10, 2018. Revocations should be mailed to the Claims Administrator at:

Corn Seed Settlement Claims Administrator
P.O. Box 26226
Richmond, VA 23260

If you decide to revoke your opt-out after August 10, 2018, follow the instructions in this FAQ but understand that Settlement Class Counsel and Syngenta must mutually agree to accept the revocation and allow you to submit a Claim Form.

15. How do I tell the Court that I do not like the Settlement?

If you are a Class Member, you can object to the Settlement if you don't like any part of it, including the requests being made by Class Counsel for attorneys' fees and litigation expenses or the service awards being sought for Class Representatives and those plaintiffs who helped litigate the case for the Class). You can give reasons why you think the Court should not approve the Settlement or what you do not like about the Settlement. The Court will consider your views.

You cannot both exclude yourself from the Settlement and object at the same time. If you exclude yourself, you cannot object to any part of the Settlement. You have to remain in the Settlement Class to maintain your right to object to any part of the Settlement.

To object, you must file a written objection with the Clerk of Court. You must include your name, mailing address, and telephone number. You must also clearly state the specific legal and factual reasons why you object to the Settlement and attach copies of any materials you intend to submit to the Court or present at the Fairness Hearing. If you are represented by a lawyer in connection with the issues involved with the sale and marketing of Viptera and Duracade, you must include the lawyer's name, email address, mailing address, and telephone number.

All objections must be personally signed by the Class Member with an actual ink signature, even if you are represented by a lawyer. Any request to appear and present argument at the Final Fairness Hearing must also be specifically stated.

In addition to filing your objection with the Clerk of Court, you must also mail the objection to each address listed below:

Settlement Class Counsel:

Daniel E. Gustafson
Gustafson Gluek, PLLC
120 S. 6th Street, Suite 2600
Minneapolis, MN 55402

Christopher A. Seeger
Seeger Weiss LLP
55 Challenger Road
Ridgefield Park, NJ 07660

Patrick J. Stueve
Stueve Siegel Hanson LLP
460 Nichols Road, Suite 200
Kansas City, MO 64112

Counsel for Syngenta:

Leslie M. Smith, P.C.
Kirkland & Ellis LLP
300 North LaSalle Street
Chicago, IL 60654

The objection must be postmarked no later than August 10, 2018.

If you object, you may be asked to answer questions by the attorneys or the Court about your reasons for objecting. No person or entity or other Class Members may object for, or on behalf of, any other Class Member.

16. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Fairness Hearing at 1:00 p.m. CST on November 15, 2018, at the United States District Court for the District of Kansas, 500 State Ave., Kansas City, KS 66101. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have previously asked to speak at the hearing. The Court may also decide how much to pay Settlement Class Counsel. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

Because the Court may change the date or time of the Fairness Hearing without additional notice, you should check the Settlement Website, www.CornSeedSettlement.com for updates.

17. Do I have to come to the Fairness Hearing?

No. Settlement Class Counsel will answer questions the Court may have. You are welcome, however, to come at your own expense. If you send an objection, you do not have to come to court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

18. May I speak at the Fairness Hearing?

If you timely objected to the Settlement, you may ask the Court for permission to speak at the Fairness Hearing. To do so, you must make such a request in your objection or send a letter saying that it is your “Notice of Intention to Appear in the Syngenta Settlement.” Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than August 10, 2018, and be sent to the Clerk of the Court, Class Counsel, and Defense Counsel, at the addresses above. You cannot speak at the hearing if you excluded yourself. You can speak only about issues that you timely raised in a written objection. Moreover, even if you have sent in a written objection, the Court may still decline to allow you to speak at the Fairness Hearing.

19. Who is BrownGreer?

The Court overseeing this settlement appointed BrownGreer PLC to implement and administer the Settlement Agreement by acting as the Notice Administrator and Settlement Administrator. This means the Court tasked BrownGreer with providing notice of the settlement to Class Members, maintaining the Settlement Website, answering calls from Class Members, processing and reviewing claims, and any other tasks necessary to administer the Settlement Agreement. All of the work of BrownGreer PLC is overseen by Settlement Class Counsel, Counsel for Syngenta and the Court.

20. Do I need to report any payments that I receive from the Settlement Program on my taxes?

The Settlement Program cannot provide any tax advice. Class Members must consult their own tax advisors regarding the tax consequences of any payments and any tax reporting obligations they may have. To the extent required by law, the Program will report payments made under the Settlement Agreement to the appropriate authorities.

B. Settlement Agreement Benefits

1. [What benefits does the Settlement provide?](#)
2. [As a Corn Producer, what will be the value of my payment from the Settlement?](#)
3. [As a Grain Handling Facility, what will be the value of my payment from the Settlement?](#)
4. [As an Ethanol Production Facility, what will be the value of my payment from the Settlement?](#)
5. [Why are Viptera and Duracade Corn Producers being treated differently?](#)
6. [How will you determine if someone purchased Viptera or Duracade?](#)
7. [For Corn Producers, why does the Claims Administrator need my FSA 578 and RMA information?](#)
8. [Do I need to obtain a copy of my FSA 578 or RMA information?](#)
9. [What Subclass am I in if I planted Agrisure Viptera and/or Agrisure Duracade Corn Seed in some Marketing Years during the Class Period, but not all Marketing Years? What if I planted Agrisure Viptera and/or Agrisure Duracade Corn Seed in one or more fields but not in all of my fields?](#)
10. [For Subclass 3 grain handling facility members including grain elevators, grain distributors, and grain transporters which engage in transactions involving DDGs and who desire to make a claim, is there an accepted conversion of the weight of DDGs to bushels of corn?](#)

B. Settlement Agreement Benefits

1. What benefits does the Settlement provide?

Syngenta has agreed to create a Settlement Fund of \$1,510,000,000. This amount covers: all Corn Producers, Grain Handling Facilities, and Ethanol Production Facilities who are part of the Settlement Class. Of this amount, a maximum of \$22,600,000 is set aside to pay Corn Producers who purchased and planted Viptera or Duracade seeds (although the average per-bushel payment to one of these Corn Producers cannot exceed the average per-bushel payment to a Corn Producer who did not purchase and plant Viptera or Duracade seeds), a maximum of \$29,900,000 is set aside to pay Grain Handling Facilities that are covered by the Settlement, and a maximum of \$19,500,000 is set aside to pay Ethanol Production Facilities that are covered by the Settlement. The total amount available to Corn Producers who did not purchase or plant Viptera or Duracade seeds prior to April 10, 2018 shall be the remaining Settlement Funds, which will be at least \$1,438,000,000 before any deductions for the costs of administering the Settlement and any attorneys' fees and litigation expenses awarded by the Court, and those amounts will be deducted from the total Settlement Fund before any payments are made.

2. As a Corn Producer, what will be the value of my payment from the Settlement?

The Claims Administrator will be responsible for determining the amount of each Corn Producer's payment based on the following factors: (1) Compensable Recovery Quantity, (2) the year of planting, (3) the Producer's ownership interest in those bushels, and (4) whether the producer purchased and planted Agrisure Viptera or Duracade.

For Corn Producers who reported Corn acres to the FSA, Compensable Recovery Quantity for each Marketing Year will be determined by:

- (a) Multiplying the number of Corn acres planted each Marketing Year as reported on the Producer's Form FSA 578 (not including acres reported as failed or for silage) by the Producer's percentage ownership in those acres as reported on the Form FSA 578;
- (b) Multiplying the resulting acreage by the average county yield as reported by USDA National Agricultural Statistics Service ("NASS") (or if no county yield is reported, the nearest yield available as determined by the Claims Administrator);
- (c) Deducting the percentage of bushels reported as "fed on farm" as reported on the Producer's Claim Form; and
- (d) Multiplying the resulting bushels by the weighted average for that particular Marketing Year.

For purposes of determining the Compensable Recovery Quantities for Corn Producer Class Members, the following weighted averages will be used for each respective Marketing Year:

2013/14- 26%
2014/15- 33%

2015/16- 20%
2016/17- 11%
2017/18- 10%

These averages are based on the evidence and expert analysis in the case.

For example, if the FSA 578 information reflects that John Smith in Marketing Year 2013-14 had a 25% share in 200 acres of Corn in a county with an average yield of 186 bushels per acre, the Producer's Compensable Recovery Quantity will be equal to 200 (acres) multiplied by 186 (average county yield) multiplied by 25% (ownership share) or 9,300 bushels, less any reported fed on farm percentage and then multiplied by the weighted average for that Marketing Year. If Susan Smith had a 75% share in the same acres, her Compensable Recovery Quantity will be 200 (acres) multiplied by 186 (average county yield) multiplied by 75% or 27,900 bushels, less any reported fed on farm percentage and then multiplied by the weighted average for that Marketing Year.

For Corn Producers who did not report their Corn acres to the USDA's FSA, Compensable Recovery Quantity will be determined in accordance with the same methodology but using USDA Risk Management Agency information (from data reported to agencies based on crop insurance) instead of Form FSA data.

For those Corn Producers who did not report their Corn acres to USDA FSA or USDA Risk Management Agency ("RMA"), Compensable Recovery Quantity will be determined based on the Claim Form.

Once the Compensable Recovery Quantity is calculated for the entire Class Period for each Corn Producer, the Claims Administrator will determine payments to Corn Producers by distributing available settlement funds (less the costs of the administering the Settlement and any Attorneys' Fees, Costs or Expenses approved by the Court) in proportion to each Corn Producer's Compensable Recovery Quantity (*Pro Rata*).

A Corn Producer's Compensable Recovery Quantity for Producers that purchased and planted Corn grown from Agrisure Viptera and/or Duracade Corn Seed will be calculated in the same manner as Corn Producers that did not purchase and plant Agrisure Viptera and/or Duracade Corn Seed but the *Pro Rata* distribution will be calculated from the settlement funds set aside for that Subclass (\$22.6 million dollars) or at a number below \$22.6 million dollars that ensures that the average per-bushel recovery for Corn Producers that purchased and planted Corn grown from Agrisure Viptera and/or Duracade Corn Seed shall not exceed the average per-bushel recovery of the members of the Subclass of Corn Producers that did not purchase and plant Agrisure Viptera and/or Duracade Corn Seed. Any remaining funds in this Subclass fund will revert to the general Settlement Fund.

3. As a Grain Handling Facility, what will be the value of my payment from the Settlement?

For Grain Handling Facilities, Compensable Recovery Quantity will be determined as follows:

For each Marketing Year, Grain Handling Facilities total sales of Corn (in bushels) will be multiplied by the weighted average to determine the total Compensable Recovery Quantity for each Marketing Year. Totals for each Marketing Year will be summed to determine that Grain Handling Facilities' total Compensable Recovery Quantity for the Class Period. The Claims Administrator will determine payments to each Grain Handling Facility by distributing available settlement funds set aside for that Subclass (\$29.9 Million) in proportion to each Grain Handling Facilities' total Compensable Recovery Quantity (*Pro Rata*).

For purposes of determining the Compensable Recovery Quantities for Grain Handling Facility Class Members, the following weighted averages will be used for each respective Marketing Year:

2013/14- 26%
2014/15- 33%
2015/16- 20%
2016/17- 11%
2017/18- 10%

These averages are based on the evidence and expert analysis in the case. Any remaining funds in this Subclass fund will revert to the general Settlement Fund.

4. As an Ethanol Production Facility, what will be the value of my payment from the Settlement?

For Ethanol Production Facilities, Compensable Recovery Quantity will be determined as follows:

For each Marketing Year, an Ethanol Production Facility's total sales of DDGs (in short tons) will be multiplied by the weighted average to determine the total Compensable Recovery Quantity for each Marketing Year. Totals for each Marketing Year will be summed to determine that Ethanol Production Facility's total Compensable Recovery Quantity for the Class Period. The Claims Administrator will determine payments to each Ethanol Production Facility by distributing available settlement funds set aside for that Subclass (\$19.5 Million) in proportion to each Ethanol Production Facility's total Compensable Recovery Quantity (*Pro Rata*).

For purposes of determining the Compensable Recovery Quantities for Ethanol Production Facility Class Members, the following weighted averages will be used for each respective Marketing Year:

2013/14- 44%
2014/15- 47%
2015/16- 4%
2016/17- 3%
2017/18- 2%

These averages are based on the evidence and expert analysis in the case. Any remaining funds in this Subclass fund will revert to the general Settlement Fund.

5. Why are Viptera and Duracade Corn Producers being treated differently?

Syngenta has unique defenses to claims from Corn Producers who purchased and planted Viptera and/or Duracade corn seeds. Specifically, there may be limitations on the ability of those purchasers to sue and the amount that they could recover because those Corn Producers are required to sign stewardship agreements with Syngenta that may limit their rights and ability to recover any damages.

In addition, those who purchased and planted Viptera or Duracade corn seed, if they sued, would potentially have been subject to comparative fault, contributory negligence, assumption of the risk, and other legal defenses. For example, it could have been argued that those who purchased and planted Viptera and Duracade corn seed knew or should have known that the products were not yet approved in China. These are some of the reasons why those who purchased and planted Viptera and Duracade corn seed will receive less than Corn Producers who did not purchase and plant those seeds.

6. How will you determine if someone purchased Viptera or Duracade?

The Claim Form requires that you specify whether you purchased and planted Viptera or Duracade. When you sign and submit your Claim Form, you will state under penalty of perjury that the information you provide in your Claim Form is true. The Claims Administrator also may audit information provided in Claim Forms using Syngenta's records. Make sure you do your best to be accurate in your answers.

7. For Corn Producers, why does the Claims Administrator need my FSA 578 and RMA information?

The Court has approved the use of FSA 578 and RMA (crop insurance) information to substantiate claims for settlement payments. This information will be used to determine your Compensable Bushels but will be kept confidential by the Claims Administrator and used only for purposes of this Settlement.

8. Do I need to obtain a copy of my FSA 578 or RMA information?

No. The government has agreed to provide FSA 578 data and RMA data electronically for any Corn Producer who consents to that disclosure as part of the Claim Form. Paper copies will NOT be accepted so you should NOT obtain any paper copies. Everything must be submitted as part of the Court-approved Claim Form.

9. What Subclass am I in if I planted Agrisure Viptera and/or Agrisure Duracade Corn Seed in some Marketing Years during the Class Period, but not all Marketing Years? What if I planted Agrisure Viptera and/or Agrisure Duracade Corn Seed in one or more fields but not in all of my fields?

If you ever purchased Agrisure Viptera and/Agrisure Duracade Corn Seed and produced Corn from it, you are in Subclass 2 for all Marketing Years and for all acreage. If you are a Landlord and you do not know whether your tenant purchased and planted Agrisure Viptera and/Agrisure

Duracade, you must work with your tenant to obtain this information. Section 3.7.3.1 of the Settlement Agreement requires the Claims Administrator to reject incomplete Claim Forms and failure to indicate whether your tenant purchased and planted Agrisure Viptera and/Agrisure Duracade will make your Claim Form incomplete.

10. For Subclass 3 grain handling facility members including grain elevators, grain distributors, and grain transporters which engage in transactions involving DDGs and who desire to make a claim, is there an accepted conversion of the weight of DDGs to bushels of corn?

Yes, the Claims Administrator has determined that the generally accepted conversion ratio is that 1 bushel of corn will produce 17 pounds of DDGs. Thus, for a transaction involving a standard, 2,000 pound short ton of DDGs, the resulting claim would be for 117.65 bushels of corn (2,000 pounds divided by 17 pounds of DDGs per bushel). The completed claim form should state the number of short tons of DDGs priced, transported, stored, or otherwise handled and show the resulting calculation of bushels.

C. Claim Filing Process

1. [When can I file a claim?](#)
2. [What is the last day to file a claim?](#)
3. [How do I file a Claim Form?](#)
4. [How many claims should I file?](#)
5. [How can I confirm that you received my hard-copy Claim Form?](#)
6. [What is my Claimant ID?](#)
7. [What is an electronic signature?](#)
8. [I am a landlord on part of my farmland and a farmer on another part of my farmland. How should I file my claim?](#)
9. [What is a Marketing year?](#)
10. [Can Farm Managers submit Claim Forms on behalf of Producers?](#)
11. [I am the authorized business representative for a Co-op that was previously multiple companies that merged \(the previous companies no longer exist\), can the co-op file a claim for the corn producers of the previous companies?](#)
12. [I am the authorized business representative of a Grain Handling Facility that has multiple elevators. Only some elevators purchased the grain, but it is hauled and sold out of all the elevators. Should the Grain Handling Facility combine the storage capacity of all of the elevators or break down physical location within the company?](#)
13. [I am the authorized business representative of a Grain Handling Facility that purchased and stored bushels on the farm where they were grown. The farmer then transported the grain for sale. Can those bushels be included in my claim?](#)
14. [If no average county yield is reported by the NASS, how will you determine it? Is “nearest” by distance or by a similarly producing-county? What if there are multiple counties the same distance from my location?](#)
15. [If FSA data establishes that I have irrigated and non-irrigated acres, will you account for the difference in yield based on the irrigation? If my land is non-irrigated and another’s is irrigated, will this negatively affect my compensation?](#)
16. [Do I need to hire a lawyer to file a Claim Form?](#)
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18. [If I own the land and have it custom farmed, am I a landlord or a Producer?](#)
19. [I am a landlord whose interest is not reported on an FSA-578 Form and I do not have a written rental agreement. What should I provide along with my Claim Form?](#)
20. [I am a landlord and I do not know if my renter purchased and planted corn seed containing Agisure Viptera \(MIR162\) or Agrisure Duracade \(Event 5307\) between September 15, 2013 and April 10, 2018. How do I answer this question in the Claim Form?](#)
21. [I did not produce Corn, but I have Corn stored that I feed to my livestock. Am I a Class Member?](#)

22. [I would like the Claims Administrator to discuss my claim with someone other than me who is not my attorney. How can I provide that permission?](#)
23. [For purposes of Compensable Recovery Quantity, in addition to reporting bushels that are “fed on farm,” should I report to the Claims Administrator bushels that I give to my children, donate to my church or otherwise did not price for sale or feed on farm?](#)
24. [Someone helped me submit a Claim Form and inserted his or her contact information in Section I of the Claim Form. Is this permitted?](#)
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27. [I attended a community event in Mississippi, where someone helped me submit a Claim Form. Did the Claims Administrator accept my claim?](#)
28. [I received a Notice of Rejection stating that there is no FSA or RMA data matching the Taxpayer Identification Number \("TIN"\) I provided on my Claim Form. What is my next step?](#)

C. Claim Filing Process

1. When can I file a claim?

The Claims Administrator will begin accepting Claim Forms on May 11, 2018.

2. What is the last day to file a claim?

The last day to file a claim is October 12, 2018.

3. How do I file a Claim Form?

There are specific Claim Forms for each type of Class Member. You may file the Claim Form specific to your Class Member type (Corn Producer, Grain Handling Facility, or Ethanol Production Facility) electronically by clicking File Your Claim on the home page of the Settlement Website, www.CornSeedSettlement.com. The online filing system will direct you to the questions required for your specific Class Member type.

You may also download a copy of the Claim Form for your specific Class Member type from the Documents section of the Settlement Website, www.CornSeedSettlement.com. You can complete the downloaded Claim Form, and mail it to the Claims Administrator at:

Corn Seed Settlement Claims Administrator
P.O. Box 26226
Richmond, VA 23260

Regardless of how you submit the Claim Form, all Claim Forms must be completed, signed and submitted online or postmarked on or before October 12, 2018.

The Class Member or person with legal authority to act on behalf of the Class Member must complete and sign the Claim Form(s). If you have a lawyer who represents you in a Syngenta lawsuit, that lawyer cannot sign and submit the Claim Form for you. The Claim Form must be signed and submitted by the Class Member or, if the Class Member is a legal entity, by someone with legal authority to act on behalf of the entity other than your lawyer in the Syngenta matter. Each Corn Producer must submit his or her own Claim Form. For example, a tenant cannot submit on behalf of his or her landlord. The landlord must submit his or her Claim Form separately.

4. How many claims should I file?

The determination on the number of claims you should file corresponds to the data you submitted to the FSA. You should submit one claim form for each FSA 578 you filed. For example, if you submitted FSA-578 stating that you own 100% of the corn crop during all Marketing Years in the Class Period, then you should submit one claim. However, if you *and* someone else submitted FSA-578s for a 50% share each in the corn crop during certain Marketing Years in the Class Period, then each of you should submit a claim for your 50% share.

If your share in the corn crop changed during the Class Period, you should still submit a claim, corresponding with the data you submitted to the FSA.

5. How can I confirm that you received my hard-copy Claim Form?

When we receive your hard-copy Claim Form, we will send you an email, if you provided an email address on your Claim form, confirming that we received your Claim Form. If you did not provide an email address, you may call the Claims Administrator at 1-833-567 CORN (2676) to check the status of your Claim Form. You will need to provide your name and the last four of your TIN to verify your identity.

6. What is my Claimant ID?

If you provided an email address when you submitted your Claim Form, the Claims Administrator sent you an email with your Claimant ID. That email came from noreply@CornSeedSettlement.com. Please check your spam filters to make sure you received the email. You also received your Claimant ID on the confirmation screen when you submitted your Claim Form. If you do not remember your Claimant ID, you may call the Claims Administrator at 1-833-567 CORN (2676). You will need to provide your name and the last four of your TIN to verify your identity.

7. What is an electronic signature?

Providing an electronic signature is a quicker and easier alternative to printing, signing and mailing your Claim Form. Signing electronically allows you to give your consent, or sign, the Claim Form online. Your electronic signature on the Claim Form represents your agreement that your electronic signature can be treated in the same way as if you signed your printed Claim Form with a pen. To provide your electronic signature, you simply type your name in the space labeled "Signature: s/" at the end of the Claim Form submission screen. When signing electronically, you must type your name exactly as you entered it when filling out your Claim Form. When you electronically sign the Claim Form, you are declaring that you are the Producer entitled to make the claim, that you authorize the Claims Administrator to request the contents of your FSA-578 and crop insurance data from the applicable agencies, and that you understand that you are submitting the Claim Form under penalty of perjury.

8. I am a landlord on part of my farmland and a farmer on another part of my farmland. How should I file my claim?

If you used one Taxpayer Identification Number (SSN or EIN) to report both farming and Landlord interests in Corn to the FSA, you should have submitted one Claim Form. The Settlement Program will include all your acreage under a single Claimant ID.

If you used separate Taxpayer Identification Numbers for your interests as a farmer and as a landlord, you should have submitted a separate Claim Form for each Taxpayer Identification Number.

9. What is a Marketing Year?

Section 2.36 of the Settlement Agreement defines Marketing Year as September 1st of one year to August 31st of the following year. For example, Marketing Year 2013 is September 1, 2013 to August 31, 2014.

10. Can Farm Managers submit Claim Forms on behalf of Producers?

No, Section 2.6 of the Settlement Agreement requires Producers to submit Claim Forms on their own behalf. Farm Managers are not permitted to act as Representative Claimants for Producers unless they have been court-appointed to represent producers who are deceased, a minor, or legally incapacitated or incompetent.

11. I am the authorized business representative for a Co-op that was previously multiple companies that merged (the previous companies no longer exist), can the co-op file a claim for the corn purchases of the previous companies?

That depends on who owns the rights to the previously claims; the prior entities or the new entities. If the Co-op acquired the rights and liabilities of the prior companies in the acquisition transaction, then yes, the Co-op can file a claim for those entities.

12. I am the authorized business representative of a Grain Handling Facility that has multiple elevators. Only some elevators purchased the grain, but it is hauled and sold out of all of the elevators. Should the Grain Handling Facility combine the storage capacity of all of the elevators or break down each physical location within the company?

Claims should be based upon and filed for each legal entity and not for any specific location. All locations for one legal entity (ABC Corp. for example) should be filed in one claim.

13. I am the authorized business representative of a Grain Handling Facility that purchased and stored bushels on the farm where they were grown. The farmer then transported the grain for sale. Can those bushels be included in my claim?

If the Grain Handling Facility sold those bushels during the Class Period, it can file a claim. Section 2.31 of the Settlement Agreement defines Grain Handling Facility as “all grain elevators, grain distributors, grain transporters, or other entities in the United States that during the Class Period: (i) purchased Corn and then priced Corn in the United States for sale during the Class Period; and/or (ii) that purchased Corn and then transported, stored or otherwise handled Corn that was priced for sale during the Class Period.

14. If no average county yield is reported by the NASS, how will you determine it? Is “nearest” by distance or by a similarly producing-county? What if there are multiple counties the same distance from my location?

We will use the nearest county (by geographic location) that has a reported average yield.

15. If FSA data establishes that I have irrigated and non-irrigated acres, will you account for the difference in yield based on the irrigation? If my land is non-irrigated and another’s is irrigated, will this negatively affect my compensation?

There is no distinction for irrigated and non-irrigated in the Settlement.

16. Do I need to hire a lawyer to file a Claim Form?

No. The Court has appointed Daniel E. Gustafson, Christopher A. Seeger, and Patrick J. Stueve to represent the Settlement Class. These lawyers are referred to as “Settlement Class Counsel.” If you want to be represented by your own lawyer, you may hire one at your own expense.

17. Does the Claims Administrator share the contents of my claim with anyone?

We keep all claims information strictly confidential unless you authorize us in writing to give the information to someone else. Any claims information that you provide to us is used only for the purposes designated to the Claims Administrator by the Court. This means that those persons whom the Court, Parties and Claims Administrator has designated to work on the settlement may have access to your claims information. However, those people have agreed to access claims information only on a "need to know" basis and to keep that information confidential. The Claims Administrator has developed a secure, encrypted Portal to use for this purpose.

18. If I own the land and have it custom farmed, am I a landlord or a Producer?

If by custom farmed, you mean that you hired someone to grow your corn (*i.e.* you paid them cash but did not share the crop with them), then you are a Producer and not a landlord.

19. I am a landlord whose interest is not reported on an FSA-578 Form and I do not have a written rental agreement. What should I provide along with my Claim Form?

If you do not have a written rental agreement, you may provide the Verbal Rental Agreement Sworn Written Statement, which you can find on the Settlement Website in the Documents section. The Claims Administrator requires that both you and the renter sign this document under penalty of perjury. You will be able to provide the details of your verbal (unwritten) rental agreement in the sworn written statement. By signing this document, you and the renter are declaring under penalty of perjury:

- (a) That you received a variable rent based on the share of the Corn crop or proceeds from the sale of Corn from September 15, 2013 to April 10, 2018;
- (b) That you had a verbal (unwritten) rental agreement with your renter; and
- (c) That the renter understands that his or her compensation will be reduced by the percentage of the landlord’s share. For example, if the landlord asserts a 50% share in the Corn crop, then the renter’s share will be reduced by the 50% share paid to the landlord.

20. I am a landlord and I do not know if my renter purchased and planted corn seed containing Agrisure Viptera (MIR162) or Agrisure Duracade (Event 5307) between September 15, 2013 and April 10, 2018. How do I answer this question in the Claim Form?

The Claim Form requires that you specify whether your renter purchased and planted Vipitera or Duracade. When you sign and submit your Claim Form, you will state under penalty of perjury that the information you provide in your Claim Form is true. The Claims Administrator also may audit information provided in Claim Forms using Syngenta's records. Make sure you do your best to be accurate in your answers. If you do not know the answer to this question, you should ask your renter before you complete the Claim Form.

21. I did not produce Corn, but I have Corn stored that I feed to my livestock. Am I a Class Member?

No, you must have had an interest in the sale of the Corn from September 15, 2013 to April 10, 2018 to be a member of the Settlement Class.

22. I would like the Claims Administrator to discuss my claim with someone other than me who is not my attorney. How can I provide that permission?

You can find the Authorization for Release of Claims Information ("Authorization Form") on the Settlement Website, under Documents – Forms. You must fill in the Authorization Form and sign it. You should not use the Authorization Form to name an attorney as an Authorized Recipient. Instead, the Authorized Recipient is a non-attorney (such as a family member) with whom you want the Claims Administrator to discuss your claims information. To notify the Claims Administrator that an attorney is representing you, use the Request for Change in Representation Status Form. You can return the Authorization Form to the Claims Administrator through the Portal, by email, or by mail.

While we can always discuss your claim with you, the Authorization Form will permit the Claims Administrator to discuss your claim with your Authorized Recipient as well. It will not permit the Claims Administrator to send notices to the Authorized Recipient, to pay the Authorized Recipient, or to allow the Authorized Recipient to take any action on the claim.

23. For purposes of Compensable Recovery Quantity, in addition to reporting bushels that are "fed on farm," should I report to the Claims Administrator bushels that I give to my children, donate to my church or otherwise did not price for sale or feed on farm?

No, you do not need report to the Claims Administrator bushels that you donate to your children, church or do not otherwise price for sale or feed on farm.

24. Someone helped me submit a Claim Form and inserted his or her contact information in Section I of the Claim Form. Is this permitted?

No. Settlement Agreement § 2.6 requires Class Members to submit Claim Forms themselves. No one else may submit or sign a Claim Form for a Class Member. For this reason, the address, phone number and/or email for the Class Member must be listed in Section I of the Claim Form. If Section I of the Claim Form contains contact information for someone other than the Class Member, you must update it to include the required contact information. The only exception is for a Representative Claimant, who may submit a Claim Form on behalf of a deceased, minor, legally incapacitated or incompetent Producer Class Member. [Claims Processing Procedure-4](#) establishes the rules for claim submissions from Representative Claimants.

25. I hired a third party, not a law firm, to submit a Claim Form on my behalf. Will the Claims Administrator accept and review my Claim Form?

Yes, if you submitted your Claim Form to the Claims Administrator by the Claims Deadline, 10/12/18, the Claims Administrator will review it and let you know if any additional information is needed. However, Settlement Agreement § 2.6 requires Class Members to submit and sign the Claim Forms with their own contact information. You must confirm that the Claim Form has your correct contact information so that we may contact you on any actions concerning your claim. The only exception is for a Representative Claimant, who may submit a Claim Form on behalf of a deceased, minor, legally incapacitated or incompetent Producer Class Member. [Claims Processing Procedure-4](#) establishes the rules for claim submissions from Representative Claimants.

26. How will I receive notices from the Claims Administrator about the status of my claim?

The Claims Administrator will send notices about your claim by mail or email, depending on what you selected as your preferred method of communication. If you have an attorney, the Claims Administrator will provide copies of notices to the attorney you listed in the Attorney and Law Firm Information section of the Claim Form. The Claims Administrator will not send copies of notices to an Authorized Recipient you designate on the Authorization for Release of Claims Information form.

27. I attended a community event in Mississippi, where someone helped me submit a Claim Form. Did the Claims Administrator accept my claim?

No. For several reasons, these claims were not valid. Community events in Mississippi allegedly related to the Corn Seed Settlement Program were NOT authorized or sponsored by the Claims Administrator, Settlement Class Counsel, or Syngenta. The Mississippi Attorney General issued a Consumer Alert warning that these events were not authorized. You may review the Consumer Alert on the Mississippi Attorney General's website [here](#).

28. I received a Notice of Rejection stating that there is no FSA or RMA data matching the Taxpayer Identification Number ("TIN") I provided on my Claim Form. What is my next step?

Click [here](#) to read a Program Update from the Claims Administrator. This Program Update explains common reasons why you might have received this Notice and how to resolve the issue and help us find your FSA or RMA data.

If your Notice of Rejection instructed you to submit the Taxpayer Identification Number Sworn Written Statement ("SWS-02"), click [here](#). This Program Update gives step-by-step instructions on how to respond to a Notice of Rejection with the SWS-02.

D. Attorney Communications

1. [May I provide the Claims Administrator with a list of my clients to determine if they submitted claims in the Settlement Program?](#)
2. [Can you tell me if my client has submitted a claim?](#)
3. [Can you tell me the answers my client provided on the Claim Form?](#)
4. [I have a large group of clients who are unable or unwilling to submit claims using the online Portal and want to submit hard copy Claims Forms. My firm already has their claims data saved electronically. How can I provide this data to you electronically?](#)
5. [Will the Claims Administrator provide me copies of Notices sent to my clients?](#)
6. [How do I change the attorney who the Settlement Program has listed as representing me?](#)
7. [I received information from a lawyer who told me that I need a lawyer to file a claim. Is that true?](#)
8. [I received information from my lawyer that seems different than the information in the Class Notice or the Settlement Website or the information that I received when I called the Settlement Program's toll-free number.](#)

D. Attorney Communications

1. May I provide the Claims Administrator with a list of my clients to determine if they submitted claims in the Settlement Program?

You can access a list of your clients, including claims status and notice information (such as upcoming deadlines) by logging onto your Law Firm Portal. This list will contain the names of any Class Members who indicated you represent them on their Claim Form or on a Request for Change in Representation Status Form.

The Claims Administrator will also post to the Law Firm Portal copies of all notices the Claims Administrator sends to the Class Member directly.

2. Can you tell me if my client has submitted a claim?

You can access a list of your clients by logging onto your Law Firm Portal.

3. Can you tell me the answers my client provided on the Claim Form?

You can access a read-only copy of the Claim Forms submitted by your clients by logging onto your Law Firm Portal. Your Law Firm Portal will contain information on any Class Members who indicated you represent them on their Claim Form or on a Request for Change in Representation Status Form.

4. I have a large group of clients who are unable or unwilling to submit claims using the online Portal and want to submit hard copy Claim Forms. My firm already has their claims data saved electronically. How can I provide this data to you electronically?

The Claims Administrator is not authorized to accept electronic data in place of a Claim Form. Section 2.6 of the Settlement Agreement requires the Class Member to submit his or her own Claim Form to the Claims Administrator. The Claims Administrator may not accept a claim submitted by someone other than the Class Member or the authorized representative of a deceased, minor or legally incapacitated or incompetent Class Member. All claims information must be provided through the online Portal or by using the hard copy Claim Form.

5. Will the Claims Administrator provide me copies of Notices sent to my clients?

Yes, you can access these notices on your Law Firm Portal. Your Law Firm Portal will contain information on any Class Members who indicated you represent them on their Claim Form or on a Request for Change in Representation Status Form.

6. How do I change the attorney who the Settlement Program has listed as representing me?

You can change or revoke representation by submitting to the Claims Administrator the Change in Representation Status Form, which you can find in the Documents section of the Settlement

Website. The Claims Administrator may not accept this form submitted by someone other than the Class Member or the authorized representative of a deceased, minor or legally incapacitated or incompetent Class Member. The Claims Administrator may not accept this form from the attorney of the Class Member.

7. I received information from a lawyer who told me that I need a lawyer to file a claim. Is that true?

No, you do not need to hire a lawyer to participate in the Settlement Program. The Court has appointed Daniel E. Gustafson, Christopher A. Seeger, and Patrick J. Stueve to represent the Settlement Class. These lawyers are referred to as “Settlement Class Counsel.” If you want to be represented by your own lawyer, you may hire one at your own expense.

8. I received information from my lawyer that seems different than the information in the Class Notice or the Settlement Website or the information that I received when I called the Settlement Program’s toll-free number.

You should always rely on the Class Notice or the Claims Administrator’s answers, as they have been approved by the Court.

E. Representative Claimants

1. [Who is a Representative Claimant?](#)
2. [How do I become a Representative Claimant?](#)
3. [How will the Claims Administrator determine whether my court order or other official document is sufficient proof that I can be a Producer Class Member's Representative Claimant?](#)
4. [How will the Claims Administrator determine whether my Power of Attorney \(POA\) is sufficient proof that I can be a legally incapacitated or incompetent Producer Class Member's Representative Claimant?](#)
5. [What happens if more than one person submits a Claim Form to attempt to act as a Representative Claimant for the same Producer Class Member?](#)
6. [What happens if a Producer Class Member of Representative Claimant becomes legally incompetent or incapacitated or dies after submitting a Claim Form?](#)
7. [I am the personal representative of the Estate of a deceased Class Member, and the Estate reported acreage under the Estate's TIN. How should I submit the Producer Claim?](#)
8. [Do you accept the FSA-211 Power of Attorney to allow a Farm Manager to act as a Representative Claimant?](#)
9. [I am the personal representative of the Estate of a deceased Class Member who reported acreage under his or her SSN. How should I submit the Producer Claim?](#)
10. [I am the personal representative of the Estate of a deceased Class Member. The Class Member reported acreage under his or her SSN for one or more years during the Class Period, and the Estate reported acreage under its own TIN for the other years. How should I submit the Producer Claim?](#)

E. Representative Claimants

1. Who is a Representative Claimant?

A Representative Claimant is an authorized representative of a deceased, minor, legally incapacitated or incompetent Producer Class Member, as ordered by a court or other official of competent jurisdiction under applicable state law. There are two ways to be authorized for purposes of this Settlement as the Representative Claimant for a Class Member. You must submit a copy of an order or other document showing that a state court or other official has appointed you as the representative of the Producer Class Member. For a legally incapacitated or incompetent Producer Class Member, you can also submit a copy of a “durable” or “springing” power of attorney (“POA”) signed by the Producer Class Member and naming you as authorized to act for him or her if he or she became legally incapacitated or incompetent. A POA is not sufficient to show authority to act on behalf of a deceased Producer Class Member.

2. How do I become a Representative Claimant?

To become a Representative Claimant for a deceased, minor, legally incapacitated, or incompetent Producer Class Member who did not previously submit a Claim Form, complete a Claim Form and upload or send the Claims Administrator a document proving your authority to act on his or her behalf. If you elect to mail the Producer Claim Form, you must complete Section III.

3. How will the Claims Administrator determine whether my court order or other official document is sufficient proof that I can be a Producer Class Member’s Representative Claimant?

This depends on whether the Producer Class Member is deceased, a minor, legally incapacitated or incompetent, as well as the laws of the state in which he or she last lived. Unless the Claims Administrator receives evidence that the Producer Class Member lived in a different state, it will use the Producer Class Member’s last known state of residence from the Claim Form. You can submit a copy of an order or other document showing that a state court or other official has appointed you as the representative of the Producer Class Member. For legally incapacitated or incompetent Producer Class Member, you also can submit a copy of a “durable” or “springing” power of attorney (“POA”) signed by the Producer Class Member and naming you as authorized to act for him or her if he or she became legally incapacitated or incompetent. A POA is not sufficient to show authority to act on behalf of a deceased Producer Class Member.

4. How will the Claims Administrator determine whether my Power of Attorney (POA) is sufficient proof that I can be a legally incapacitated or incompetent Producer Class Member’s Representative Claimant?

If you submit a “durable” or “springing” POA, it must name you as the agent for the Producer Class Member, be properly executed, and still be in effect.

5. What happens if more than one person submits a Claim Form to attempt to act as a Representative Claimant for the same Producer Class Member?

Because only one person can be the Producer Class Member's Representative Claimant, the Claims Administrator will contact each person who submitted a Claim Form and explain that someone else has submitted a Claim Form as a Representative Claimant for the same Producer Class Member. If one person provides a court order or other document showing that a local court or other official has appointed him or her to act on the Producer Class Member's behalf, that person will be the approved Representative Claimant. If no one trying to submit a Claim Form as Representative Claimant has a court order or other document confirming that he or she can act on behalf of the Producer Class Member and they cannot agree which of them should be the Representative Claimant, the Claims Administrator will ask each person to submit all of the documents they can to support their authority to act on behalf of the Producer Class Member. After receiving those documents, the Claims Administrator will review them and notify each person of the decision on who will act as the Representative Claimant.

6. What happens if a Producer Class Member or Representative Claimant becomes legally incompetent or incapacitated or dies after submitting a Claim Form?

If a Producer Class Member or Representative Claimant becomes legally incapacitated or incompetent or dies after submitting a Claim Form, someone new must step in as Representative Claimant on behalf of the Producer Class Member to pursue Settlement benefits. To become the Representative Claimant, the person authorized to act on the Producer's behalf must provide a sufficient Representative Claimant proof document showing that person's basis of authority to act on behalf of the Producer Class Member. The Claims Administrator will substitute the proposed Representative Claimant for the Producer Class Member or Representative Claimant. The substituted Representative Claimant must provide the Claims Administrator with a sufficient proof document before he or she can receive payment.

7. I am the personal representative of the Estate of a deceased Class Member, and the Estate reported acreage under the Estate's TIN. How should I submit the Producer Claim?

If the Estate reported acreage to the FSA using its own TIN during the Class Period, you must submit the Claim Form under the name of the Estate and its TIN. DO NOT complete the Representative Claimant section of the Producer Claim Form.

8. Do you accept the FSA-211 Power of Attorney to allow a Farm Manager to act as a Representative Claimant?

FSA-211 Power of Attorney forms are not sufficient to show a Farm Manager's authority to act as a Representative Claimant on behalf of a Producer. If a Farm Manager has some other Representative Claimant proof document as outlined in these FAQs, and the Producer is deceased, a minor, or legally incapacitated or incompetent, the Farm Manager may be able to serve as the Representative Claimant for that Producer.

9. I am the personal representative of the Estate of a deceased Class Member who reported acreage under his or her SSN. How should I submit the Producer Claim?

If the deceased Producer reported acreage under his or her SSN during the Class Period, you must complete the Representative Claimant section of the Producer Claim Form and submit the Claim Form with the deceased Producer's name and SSN.

10. I am the personal representative of the Estate of a deceased Class Member. The Class Member reported acreage under his or her SSN for one or more years during the Class Period, and the Estate reported acreage under its own TIN for the other years. How should I submit the Producer Claim?

You will need to submit two separate Producer Claim Forms: one for the deceased Class Member using his or her name and SSN, and one for the Estate Class Member using the name of the Estate name and its TIN.

F. Liens

1. [What is a lien?](#)
2. [Will the Claims Administrator withhold all or part of my settlement payment to satisfy an asserted lien?](#)
3. [Who has jurisdiction to determine the enforceability of an asserted lien?](#)
4. [What is the deadline for the timely assertion of a lien?](#)
5. [How does a lienholder notify the Claims Administrator of a lien?](#)
6. [What information must a lienholder provide with the lien notification?](#)
7. [How does a Class Member know if there is a lien against its settlement payment?](#)
8. [How does a Class Member respond to a Notice of Asserted Lien from the Claims Administrator?](#)
9. [What happens if the Class Member consents to the lien or does not respond to the Notice of Asserted Lien?](#)
10. [What happens if a Class Member objects to a lien?](#)
11. [Should the Class Member and the lienholder contact each other and try to resolve the disputed lien?](#)
12. [What happens if the Class Member and the lienholder cannot resolve the lien dispute?](#)
13. [What information will the Special Master consider in making a Report and Recommendation?](#)
14. [Can the Class Member and/or the lienholder object to the Special Master's Report and Recommendation?](#)
15. [Who makes the final decision resolving the lien dispute?](#)
16. [How and when is a lien paid?](#)
17. [Will the Class Member and the lienholder be notified when the Claims Administrator pays a lien?](#)
18. [Whom do I contact with questions about a lien?](#)

F. Liens

1. **What is a lien?**

A lien is a legal claim by one person, known as the lienholder, against the property of another person arising out of a debt owed to the lienholder. For purposes of this settlement, a purported lienholder may provide the Claims Administrator with a lien assertion establishing that the Claims Administrator has a legal obligation to withhold all or part of a Class Member's payment to satisfy a debt the Class Member owes to the lienholder. Common types of liens that may be asserted by a lienholder are for unpaid child support obligations, tax liens, or other unpaid debts. Note that liens covered by the CPP and these FAQs do not include attorney fee or expense liens associated with the Syngenta corn seed litigation; attorneys' fees and expenses are covered by the Court's order dated December 31, 2018.

2. **Will the Claims Administrator withhold all or part of my settlement payment to satisfy an asserted lien?**

Yes. The Claims Administrator will withhold all or part of a settlement payment if a lienholder serves the Claims Administrator with the required information and documentation before the Claims Administrator issues a payment to the affected Class Member.

3. **Who has jurisdiction to determine the enforceability of an asserted lien?**

The United States District Court for the District of Kansas has exclusive jurisdiction to decide the enforceability of any lien asserted against payments to be made by the Claims Administrator to eligible Class Members under the Settlement Agreement.

4. **What is the deadline for the timely assertion of a lien?**

A lienholder must provide the Claims Administrator with the required information and documentation before the Claims Administrator issues a payment to the affected Class Member. The Claims Administrator will process asserted liens against interim payments, final payments, or both depending on when the lienholder complies with the requirements of CPP-7 governing lien processing. The Claims Administrator will apply the lien against any future payments to the affected Class Member.

5. **How does a lienholder notify the Claims Administrator of a lien?**

To provide notice of a potential lien, a lienholder must notify the Claims Administrator by:

- (a) Email to Questions@CornSeedSettlement.com, using a secure and encrypted method, and include "ATTN: Corn Seed Liens" in the subject line;
- (b) Mail to the Corn Seed Settlement Program, Claims Administrator, P.O. Box 26226, Richmond, VA 23260; ATTN: Corn Seed Liens;

- (c) Delivery by overnight carrier to Corn Seed Settlement Program, c/o BrownGreer PLC, 250 Rocketts Way, Richmond, VA 23231, ATTN: Corn Seed Liens; or
- (d) Any other legal form of service under applicable law.

Child support agencies can provide a mass Income Withholding Order to the Claims Administrator, accompanied by a data file with the name and TIN of the persons who owe child support debts in the respective state to provide notice of Child Support Liens.

6. What information must a lienholder provide with the lien notification?

A lienholder must serve the Claims Administrator with:

- (a) Information sufficient to identify the Class Member, including full name and Social Security Number, TIN, or Claimant ID;
- (b) The amount of the debt; and
- (c) Documents establishing that the Claims Administrator has a legal obligation to withhold all or part of a Class Member's payment. The types of documents vary depending on the type of lien. By way of example, a lienholder can provide the following documents for the specified lien types:
 - (1) Child Support Liens: An individual Income Withholding Order, a Notice of Income Assignment, or a substantially similar document from the appropriate federal or state child support agency or court establishing the current child support debt.
 - (2) Tax Liens: A Notice of Levy, a Notice of Freeze, or a substantially similar document from the federal, state, or local tax agency establishing the current amount of the tax debt.
 - (3) Judgment Liens: A copy of a file-stamped final judgment against the Class Member establishing the debt under applicable federal or state law. In the alternative, the Claims Administrator will accept a garnishment against a Class Member properly naming the Corn Seed Settlement Program or the Claims Administrator for the Program as a garnishee.
 - (4) UCC-Perfected Security Interest Liens: A copy of a security agreement signed by the Class Member in which the Class Member grants the lienholder a security interest in the proceeds of a Claim and a copy of a UCC-11 Form or comparable evidence from the appropriate filing office reflecting all UCC-1 Financing Statements filed against the Class Member, the dates of filing thereof, and that the lienholder is the holder of a UCC-perfected security interest in the proceeds of the claim.

- (5) Other Potential Lien Assertions: A copy of documents reflecting the nature of the debt and a copy of the federal or state statute or case law establishing the Claims Administrator has a legal obligation to withhold all or part of a settlement payment to a Class Member.

7. How does a Class Member know if there is a lien against its settlement payment?

The Claims Administrator will issue a Notice of Asserted Lien to the Class Member and the purported lienholder after the Claims Administrator issues a Notice of Determination to the Class Member if the lienholder has provided the required information and documents. The Class Member's notice will include copies of the submitted documents, specify the current asserted lien amount, and provide the Class Member with 30 days to consent or object to the asserted lien.

8. How does the Class Member respond to a Notice of Asserted Lien from the Claims Administrator?

The Class Member must advise the Claims Administrator whether the Class Member consents or objects to the lien within 30 days from the date of the Notice of Asserted Lien. If the Class Member does not respond to the Notice of Asserted Lien, the Class Member will be deemed to have consented to the lien.

9. What happens if the Class Member consents to the lien or does not respond to the Notice of Asserted Lien?

If the Class Member consents or does not object to an asserted lien within 30 days from the date of the Notice of Asserted Lien, the Claims Administrator will deduct the asserted lien amount from the Class Member's settlement payment up to the full amount of the settlement payment. The Claims Administrator will pay the deducted funds to the lienholder and any remaining funds to the Class Member.

10. What happens if the Class Member objects to the lien?

If the Class Member objects to the asserted lien within 30 days from the date of the Notice of Asserted Lien, the Claims Administrator will withhold from the Class Member's settlement payment the disputed portion of the asserted lien, to the extent payment funds are available, and will issue a notice to the Class Member and the lienholder explaining the available methods to resolve the dispute. The lienholder's copy of the notice will include copies of the objection information and documentation from the claimant.

11. Should the Class Member and the lienholder contact each other and try to resolve the disputed lien?

Yes. The Class Member and the lienholder must make reasonable efforts to resolve the dispute by agreement.

12. What happens if the Class Member and the lienholder cannot resolve the lien dispute?

Pursuant to the Court's May 15, 2020 Order directing the Special Master to resolve Lien Disputes, Doc. Id 4394, and approving CPP-7 Doc. Id. 4390-1, if the Class Member and the lienholder cannot resolve the dispute, the Claims Administrator refers the Dispute to Special Master Ellen K. Reisman to file with the Court a Report and Recommendation regarding whether the disputed lien should be honored and the amount, if any, to be paid to the lienholder.

13. What information will the Special Master consider in making a Report and Recommendation?

The Special Master will review the lien assertion and objection information and may request additional information regarding the lien, require the submission of written briefs, and/or hold telephonic conferences if it would assist her in preparing the Report and Recommendation.

14. Can the Class Member and/or the lienholder object to the Special Master's Report and Recommendation?

Yes. The Class Member and the lienholder have 14 days from entry of the Report and Recommendation to file specific written objections with the Court. If no objections are filed with the Court within 14 days from entry of the Special Master's Report and Recommendation, the Court will enter an order determining whether the disputed lien shall be honored and the amount, if any, to be paid to the lienholder. If objections to the Special Master's Report and Recommendation are filed within 14 days from entry of the Report and Recommendation, the opposing party may file a response to those objections within 14 days from the date the objections were filed, after which the Court will enter an order determining whether the disputed lien shall be honored and the amount, if any, to be paid to the lienholder.

15. Who makes the final decision resolving the lien dispute?

The Honorable John W. Lungstrum, or if he is unavailable, another judge of the United States District Court for the District of Kansas presiding over the settlement, will enter a final decision after consideration of the Report and Recommendation and any objections and responses from the Class Member and/or the lienholder.

16. How and when is a lien paid?

If the Class Member consents or does not object to an asserted lien, the Claims Administrator will deduct the asserted lien amount from the Class Member's settlement payment to the extent sufficient funds are available. The Claims Administrator will pay the deducted funds to the lienholder and any remaining funds to the Class Member.

If the Class Member disputes the lien, the Claims Administrator will hold the lien amount until one of the following things happens:

- (a) The lienholder tells the Claims Administrator that the Class Member no longer owes the money;

- (b) The Class Member and the lienholder send the Claims Administrator a signed, written agreement telling the Claims Administrator how to pay the withheld money; or
- (c) The dispute is resolved by the Court determining the current amount, if any, of the lien to be paid.

17. Will the Class Member and the lienholder be notified when the Claims Administrator pays a lien?

Yes. The Claims Administrator will issue a Notice of Lien Payment to the Class Member and the lienholder with the date and amount of the lien payment.

18. Who do I contact with questions about liens?

Send an email to Questions@CornSeedSettlement.com and include “ATTN: Corn Seed Liens” in the subject line.

G. Payments

1. [If the Claims Administrator determines that my claim is Eligible, when will I receive payment?](#)
2. [I submitted my Claim Form by the Claims Deadline. Can you tell me how much money I will receive from the Settlement Program?](#)
3. [Why do I have to complete a W-9 form?](#)
4. [How should I complete the W-9 form?](#)
5. [My claim is for a business or trust that is now dissolved. How will the Claims Administrator pay my claim?](#)
6. [What were interim payments?](#)
7. [Who is eligible for final payments?](#)
8. [What are the per-CRQ dollar values for final awards?](#)
9. [How is my final payment amount calculated?](#)
10. [I disagree with the amount of my final payment, can I appeal?](#)
11. [When can I expect a final payment check?](#)
12. [How do I know if I've been issued a final payment?](#)
13. [I received a Notice saying that the Claims Administrator would withhold 24% of my final payment and pay it to the IRS if I do not submit an acceptable Form W-9. Is this true?](#)
14. [I submitted a Form W-9 but the Claims Administrator still withheld 24% from my final payment. Why?](#)

G. Payments

1. If the Claims Administrator determines that my claim is Eligible, when will I receive payment?

The Court will hold a hearing on November 15, 2018 commonly referred to as a Fairness Hearing, to decide whether to grant certification of the Settlement Class and whether to approve the Settlement. If the Court approves the Settlement after that, there may be appeals taken by objectors to the Settlement. Resolving those appeals often takes time, perhaps more than a year. Check the Settlement Website, www.CornSeedSettlement.com regularly for updates from the Claims Administrator on the timing of payments. Please be patient.

2. I submitted my Claim Form by the Claims Deadline. Can you tell me how much money I will receive from the Settlement Program?

Not yet. The Settlement Program will make *pro rata* payments from the Settlement Fund based on each Class Member's approved Compensable Recovery Quantity. This means that the Claims Administrator must evaluate all claims and the Special Master must resolve all appeals before we can determine the value of any individual claim. The "Settlement Agreement Benefits" section of these FAQs provides detailed information on how we calculate settlement payments.

3. Why do I have to complete a W-9 form?

The Internal Revenue Service requires that the Claims Administrator obtain a completed W-9 form from the claimant before issuing payments. The W-9 form must include your name and Taxpayer Identification Number as provided on your Claim Form.

4. How should I complete the W-9 form?

Complete the online W-9 form [here](#). Enter your complete name and Taxpayer Identification Number ("TIN") as provided on your Claim Form. If you provide a name or TIN that does not match your Claim Form, the online W-9 form will prompt you to make the necessary corrections.

If you are a Representative Claimant who submitted a Producer Claim Form on behalf of someone who is deceased, a minor, or incompetent or legally incapacitated, you should include your name and TIN on the W-9 form, matching the name and TIN you provided in Section III of the Claim Form. You should not enter the name and TIN of the deceased, minor, or incompetent or legally incapacitated person.

If you are the representative of a dissolved business or trust, follow the instructions in FAQ G.5.

5. My claim is for a business or trust that is now dissolved. How will the Claims Administrator pay my claim?

If a business or trust has dissolved and can no longer file taxes, the Claims Administrator will pay the person or entity designated as alternate payee. The alternate payee must provide all of the following:

- (a) Documents showing the final ownership structure of the dissolved entity, such as Articles of Dissolution, a final tax return with K-1s showing all final owners, an Order closing the estate, or an inventory from the estate that shows what happened to the business or its assets;
- (b) A letter of instruction signed by all final owners, requesting payment be issued to the alternate payee;
- (c) W-9 for the dissolved entity matching the name and TIN on the Claim Form; and
- (d) W-9 for the alternate payee.

Please note that the Claims Administrator will not split a dissolved entity's payment between multiple payees.

6. What were interim payments?

From March 2020 until July 2020, the Claims Administrator issued interim payments for certain eligible claims. Interim payments were partial payments of a substantial portion of claimants' estimated final settlement award, and were specifically authorized by the district court.

- (a) Producers and Landlords whose claims were eligible for an interim payment and whose estimated total payment exceeded \$75 received approximately 65% of their estimated final payment amount.
- (b) Grain Handling Facilities and Ethanol Production Facilities whose claims were eligible for an interim payment and whose estimated total payment exceeded \$75 received approximately 50% of their estimated final payment amount.

The Claims Administrator will deduct any interim payment amount received by a Class Member from the final payment amount for a claim.

Please note that interim payment checks *expired* on 9/1/2020. Any interim payment amount that was not timely cashed by the Class Member will be included in that claim's final payment amount.

7. Who is eligible for final payments?

Class Members that are eligible for an final payment have:

- (a) Received a Notice of Determination with a Compensable Recovery Quantity (CRQ) greater than zero and have no pending appeal or unexpired period to appeal; and
- (b) Submitted all required payment documents, including, if applicable, Representative Claimant documents.

8. What are the per-CRQ dollar values for final awards?

Eligible claimants received a Notice of Determination that stated their CRQ under the Settlement. Using available claims data, the Claims Administrator calculated, and Settlement Class Counsel approved, the following per-CRQ dollar values for final awards:

- (a) **Subclass 1:** Non-Agrisure Viptera Producers and Landlords: \$0.12453384
- (b) **Subclass 2:** Agrisure/Viptera Planting Producers and Landlords: \$0.0202326
- (c) **Subclass 3:** Grain Handling Facilities: \$0.00506164
- (d) **Subclass 4:** Ethanol Production Facilities: \$0.883335

9. How is my final payment amount calculated?

Your total award amount is determined by multiplying the CRQ listed on your Notice of Determination by the per-CRQ dollar value for your subclass. Any interim payments, taxes, and/or lien amounts are then deducted. This calculation is illustrated on the top portion of your final payment check.

10. I disagree with the amount of my final payment, can I appeal?

No. The amount of your final payment is not appealable.

11. When can I expect a final payment check?

The Claims Administrator will begin issuing final payments on a rolling basis beginning on December 30, 2020 and will continue on a rolling basis to claims as they satisfy the requirements for final payments.

12. How do I know if I've been issued a final payment?

Log in to your online portal, [here](#).

If you have been issued a final payment, the Settlement News and Updates section of your personal Claim Summary page will show the amount of your check and the date we issued it.

13. I received a Notice saying that the Claims Administrator would withhold 24% of my final payment and pay it to the IRS if I do not submit an acceptable Form W-9. Is this true?

Yes. The IRS requires the Claims Administrator to obtain an acceptable Form W-9 from all Class Members or their Representative Claimants before issuing a payment. If the Claims Administrator does not receive an acceptable Form W-9 from a Class Member before a claim is prepared for final payment and that Class Member's payment is \$600 or more, the IRS requires the Claims Administrator to withhold 24% of the final payment and pay it to the IRS on the Class Member's behalf. The Class Member or Representative Claimant may need to consult with a tax professional to determine whether the 24% withholding can be refunded by the IRS.

14. I submitted a Form W-9 but the Claims Administrator still withheld 24% from my final payment. Why?

The Claims Administrator either did not receive an acceptable W-9 form, or did not receive it in time before preparing your claim for final payment. You may need to consult with a tax professional to determine whether the 24% can be refunded by the IRS.

H. Bankruptcy

1. [Will the Settlement Program recognize bankruptcy proceedings?](#)
2. [How does the Settlement Program determine whether a Class Member is a Debtor Claimant?](#)
3. [How does a current or prior bankruptcy case affect my payment?](#)
4. [What is the Bankruptcy Review process?](#)
5. [Which Debtor Claimants must provide Bankruptcy Documents?](#)
6. [What Bankruptcy Documents must I provide to receive payment?](#)

H. Bankruptcy

1. Will the Settlement Program recognize bankruptcy proceedings?

Yes. Any claim filed with the Settlement Program by a Class Member who is or was a debtor in a bankruptcy proceeding (“Debtor Claimant”) may be property of the estate in the Debtor Claimant’s bankruptcy proceeding under Section 541 of the Bankruptcy Code if the bankruptcy proceeding was: (a) filed on or after the beginning of the Class Period, September 15, 2013; or (b) filed before September 15, 2013 but remains open and pending as of that date. 11 U.S.C. Section 541. The Claims Administrator cannot issue payment to a Debtor Claimant until determining whether the claim is the property of the bankruptcy estate and, if so, whether to direct payment to the Debtor Claimant or to the Bankruptcy Estate.

2. How does the Settlement Program determine whether a Class Member is a Debtor Claimant?

A Class Member is identified as a Debtor Claimant if:

- (a) The Class Member tells us that he or she is or was a debtor in a bankruptcy proceeding, presents an Order of a Bankruptcy Court, or presents a petition filed with the Bankruptcy Court indicating that he or she is or was a debtor in a bankruptcy proceeding;
- (b) A Bankruptcy Trustee or Bankruptcy Court tells the Claims Administrator that the Class Member is or was a debtor in a bankruptcy proceeding; or
- (c) The Claims Administrator determines at any point during claims processing, or is otherwise made aware, that the Class Member is or was a debtor in a bankruptcy proceeding.

After a Class Member has been identified as a Debtor Claimant, the Claims Administrator will inform the Class Member that they must provide bankruptcy documents and then places a hold on the claim to prevent payment until all bankruptcy requirements have been satisfied.

3. How does a current or prior bankruptcy case affect my payment?

If your claim is eligible for payment, the Claims Administrator must complete Bankruptcy Review to determine whether you will be required to provide Bankruptcy Documents before issuing any payment.

4. What is the Bankruptcy Review process?

During Bankruptcy Review, the Claims Administrator verifies the date your bankruptcy proceeding commenced, the chapter under which it was filed and, if applicable, the date the Bankruptcy Court closed or dismissed the case. The Claims Administrator compares this information to the date of the beginning of the Class Period, which is September 15, 2013, to determine whether the claim may be property of the bankruptcy estate under the United States

Bankruptcy Code. If a claim may be property of the bankruptcy estate, the Debtor Claimant will be required to provide Bankruptcy Documents before payment can be issued.

5. Which Debtor Claimants must provide Bankruptcy Documents?

The required Bankruptcy Documents depend on the bankruptcy case chapter, case commencement date, case disposition, disposition date and the date of the beginning of the Class Period, September 15, 2013.

(a) Bankruptcy Documents are not required for:

- (1) Any Debtor Claimant whose bankruptcy case was dismissed or closed before September 15, 2013; or
- (2) Any Chapter 11, 12, or 13 Debtor Claimant whose bankruptcy case is closed if: (a) it was filed before and still pending as of September 15, 2013; and (b) it has been more than 180 days since the entry of an order of confirmation.

(b) Bankruptcy Documents are required for:

- (1) All Debtor Claimants with open bankruptcy cases;
- (2) Any Chapter 7 Debtor Claimant whose bankruptcy case is closed but was filed before and still pending as of September 15, 2013;
- (3) Any Chapter 11, 12, or 13 Debtor Claimant whose bankruptcy case is closed if: (a) it was filed before and still pending as of September 15, 2013; and (b) it has been less than 180 days since the entry of an order of confirmation; and
- (4) Any Debtor Claimant whose bankruptcy case is closed but was filed on or after September 15, 2013.

6. What Bankruptcy Documents must I provide to receive payment?

If the Claims Administrator determines you must provide Bankruptcy Documents before paying your claim, you must provide either:

- (a) An Order from the Bankruptcy Court, a letter or email from the Bankruptcy Trustee, or other official Bankruptcy Documents showing:
 - (1) The claim was not property of the bankruptcy estate or that it was disclaimed, abandoned, or exempted in the bankruptcy proceeding; or
 - (2) The Bankruptcy Trustee does not intend to pursue the claim as a potential asset of the bankruptcy estate;

OR

(b) An Order from the Bankruptcy Court:

- (1) Approving the Settlement and payment of the claim;
- (2) Identifying the person or persons to whom payment is to be made;
- (3) Identifying the person or persons authorized to sign the Claim Form;

OR

A copy of an Order from the Bankruptcy Court, a letter or email from the Bankruptcy Trustee, or other official Bankruptcy Documents stating that the Class Period began after entry of a Discharge Order in the case.

I. Appeals

1. [If I do not agree with the award offered by the Claims Administrator, do I have an option to contest the award?](#)
2. [What is the Appeals Process?](#)
3. [Who may appeal?](#)
4. [Can I appeal again if i do not win the first Appeal?](#)
5. [How much time do I have to appeal from an Appealable Notice?](#)
6. [What happens if I do not appeal my Appealable Notice?](#)
7. [How do I appeal from an Appealable Notice?](#)
8. [Do I have to pay any fees to appeal?](#)
9. [Why is there an Appeal Fee?](#)
10. [Can I withdraw my Appeal?](#)
11. [What may I appeal on a Notice of Final Rejection?](#)
12. [What may I appeal on a Notice of Final Rejection after Verification Review?](#)
13. [What may I appeal on a Notice of Determination?](#)
14. [May I submit new documentation along with my Appeal?](#)
15. [Can I check on the status of my Appeal?](#)
16. [If the Special Master grants my Appeal, what happens next?](#)
17. [If the Special Master denies my Appeal, what happens next?](#)
18. [Can I request an extension of the Appeal Deadline?](#)
19. [Is Syngenta allowed to appeal my Notice?](#)

I. Appeals

1. **If I do not agree with the award offered by the Claims Administrator, do I have an option to contest the award?**

Yes. Section 3.7.3.3 of the Settlement Agreement states that Class Members who do not agree with the Claims Administrator's decision may appeal the decision to the Special Masters. You will receive notice of the procedures established for such appeals when you get notice of your claim and they will be posted on the Settlement Website, www.CornSeedSettlement.com.

2. **What is the Appeals Process?**

The court-approved Settlement Agreement provides for a limited opportunity for Class Members (but not Syngenta) to appeal from determinations of the Claims Administrator. A Class Member may appeal if the Class Member believes that the Claims Administrator made a factual or calculation mistake in the information reflected in certain portions of the notices sent to them. Appeals may not challenge the overall compensation methodology set forth in the Settlement Agreement.

3. **Who may appeal?**

Class Members who have received a Notice of Determination, a Notice of Final Rejection, or a Notice of Final Rejection after Verification Review (referred to here as "Appealable Notices") may appeal the result shown on the Appealable Notice. All Appeals that comply with the timing, filing, and fee requirements will be reviewed and decided by the court-appointed Special Master.

4. **Can I appeal again if I do not win the first Appeal?**

No. Class members have the right to appeal to the Special Master once and that appeal decision is final and not subject to any further appeal. If the Claimant appeals a Notice of Final Rejection and prevails, then the Claimant can appeal the subsequent Notice of Determination. A claimant cannot appeal again from the same notice, so if the Claimant does not prevail on his appeal of the Notice of Final Rejection, he cannot appeal the same notice again.

5. **How much time do I have to appeal from an Appealable Notice?**

This Appeal Deadline is shown at the top of the Appealable Notice.

6. **What happens if I do not appeal my Appealable Notice?**

If you do not appeal a Notice of Determination, the calculation shown in that notice will be the final determination of your claim in the Corn Seed Settlement Program ("the Program"). If you do not appeal a Notice of Final Rejection or a Notice of Final Rejection after Verification Review on or before the Appeal Deadline, we will close your claim, **you will not be eligible for payment under the Program, and you cannot resubmit your claim with the Program.** You

are still legally bound by the Settlement Agreement and you will not be able to sue Syngenta separately for the legal issues in this litigation.

7. How do I appeal from an Appealable Notice?

To protect your privacy, the most secure way to appeal is on your Portal at www.cornseedsettlement.com. You can appeal on your Portal even if you did not submit your claim online. Accessing your Portal is simple and only requires your Claimant ID and your Social Security Number or Taxpayer Identification Number. After you have logged on, you must first review the Appealable Notice which you want to appeal. After reviewing the Appealable Notice, click “Appeal” to access the appeal screen. If you are unable to appeal on your Portal, you may complete the Appeal Form that is attached to your notice and return it to us by mail or delivery on or before the Appeal Deadline shown at the top of your Appealable Notice.

8. Do I have to pay any fees to appeal?

Yes. If you choose to appeal, you must pay an Appeal Fee of \$500. This Appeal Fee will be refunded unless the Special Master determines, within her sole discretion, that the Appeal is improperly filed or baseless. If you are submitting your Appeal Form on your Portal, you may pay by credit card or by check payable to Corn Seed Settlement Program Appeals. If you are submitting your Appeal Form by mail or delivery, you must pay by check payable to “Corn Seed Settlement Program Appeals”.

The Special Master may waive the requirement to pay the Appeal Fee for Class Members who demonstrate a financial hardship that prevents them from paying the Appeal Fee. The Class Member must provide financial information to support the request to waive the Appeal Fee. All decisions on Appeal Fee waiver requests will be in the sole discretion of the Special Master and are final.

An Appeal Fee is only required if you appeal a Notice of Final Rejection, a Notice of Final Rejection after Verification Review or a Notice of Determination. Responding to a Notice of Rejection to provide missing documents or information required by the Claim Form is not considered an appeal and does not require you to pay an appeal fee.

9. Why is there an Appeal Fee?

Class Members may appeal only if they are contesting the factual correctness of the review performed by the Claims Administrator. The Appeal Fee is necessary to protect all Class Members by preventing unwarranted and/or prohibited appeals by Class Members who do not like the result of their reviews but who cannot show that the reviews are factually incorrect. Any Appeal Fees that are not refunded will also be used to offset the administrative costs of the appeal process.

10. Can I withdraw my Appeal?

Yes. You may withdraw an Appeal by submitting written notice to the Program at any time prior to the Special Master's decision or as directed by the Special Master. After withdrawing an Appeal, however, you may not appeal that same notice again. The Appeal Fee will not be refunded to you unless you demonstrate good cause for why the Special Master should refund your Appeal Fee. All decisions on Appeal Fee refund requests related to withdrawn appeals will be in the sole discretion of the Special Master.

11. What may I appeal on a Notice of Final Rejection?

You may appeal your Notice of Final Rejection only on the basis that you are contesting the factual correctness of the reason(s) shown in Section II of the notice. You must provide a detailed explanation, consisting of no more than two pages of text, of why you are appealing, including citations for any sources where the Claims Administrator can review the information contained in your explanation.

For example, if the Claims Administrator rejected your claim because you did not sign your Claim Form, but you did sign it, you may appeal and cite the document where the Claims Administrator may find your complete and signed Claim Form. You may provide new documentation to support your Appeal. Previously submitted documentation is already available to the Special Master and should not be re-submitted.

12. What may I appeal on a Notice of Final Rejection after Verification Review?

You may appeal your Notice of Final Rejection after Verification Review only on the basis that you are contesting the factual correctness of the findings shown on the notice. You must provide a detailed explanation, consisting of no more than two pages of text, of your reason(s) for appealing, including citations for any sources where the Claims Administrator can review the information contained in your explanation.

You may provide new documentation to support your appeal. Previously submitted documentation is already available to the Special Master and should not be re-submitted.

13. What may I appeal on a Notice of Determination?

You may appeal your Notice of Determination only on the basis that you are contesting the accuracy of any of the information displayed in Section II of the notice or the attachments. You must provide a detailed explanation, consisting of no more than two pages of text, of why you are appealing, including citations for any sources where the Claims Administrator can review the information contained in your explanation.

You may provide new documentation to support your appeal. Previously submitted documentation is already available to the Special Master and should not be re-submitted.

14. May I submit new documentation along with my Appeal?

Yes, you may submit documentation that you have not previously provided to the Claims Administrator, including a completed and signed Claim Form. The Special Master will review the new documentation along with your explanation of why you are appealing the notice.

15. Can I check on the status of my Appeal?

Yes. If you or your attorney call the Settlement Program Communication Center to inquire about the status of your Appeal, the Claims Administrator may share the following information with you:

- (a) Whether the Claims Administrator received your Appeal Form and/or supporting documents;
- (b) The requirements of a complete Appeal Form; and
- (c) The decision of the Special Master, if available.

The Claims Administrator cannot share any additional information and will not provide substantive guidance to you regarding the merits or status of your Appeal.

16. If the Special Master grants my Appeal, what happens next?

If the Special Master grants your Appeal, she will return the appealed claim to the Claims Administrator with instructions on how to process the claim. The Claims Administrator will send you a new notice, along with an explanation of the Special Master's decision.

- (a) If you appealed a Notice of Final Rejection or a Notice of Final Rejection after Verification Review and the Special Master grants your Appeal, the Claims Administrator will send you a Notice of Determination. You may appeal that Notice of Determination only if you can demonstrate that the information in Section II is factually inaccurate.
- (b) If you appealed a Notice of Determination and the Special Master grants your Appeal, the Claims Administrator will send you a revised Notice of Determination. You may not appeal the revised Notice of Determination.

The Special Master's decision on an Appeal is final and binding on the Class Member and the Claims Administrator and it is not subject to additional appeal.

17. If the Special Master denies my Appeal, what happens next?

If the Special Master denies your Appeal of your Notice of Determination, that notice will be the final determination of your eligible claim in the Program. The Claims Administrator will send you a Notice of Appeal Decision that will explain the reasons for the denial of your Appeal.

If the Special Master denies your Appeal of your Notice of Final Rejection or Notice of Final Rejection after Verification Review, the Claims Administrator will send you a Notice of Appeal

Decision that will explain the reasons for the denial of your Appeal. Your Notice of Final Rejection or Notice of Final Rejection after Verification Review will be the final determination of your claim in the Program. You will not be eligible for payment under the Program, but you will still be bound by the Settlement Agreement, and you will not be able to sue Syngenta separately.

The Special Master's decision on an Appeal is final and binding on the Class Member and the Claims Administrator and it is not subject to additional appeal.

18. Can I request an extension of the Appeal Deadline?

Yes. The Special Master will consider requests from Class Members for extensions to the Appeal Deadline for good cause shown. All decisions on Appeal Deadline extension requests are in the sole discretion of the Special Master. To request an extension of your Appeal Deadline, you must contact the Claims Administrator and explain the reason that you need an extension. The Claims Administrator will present your request to the Special Master for consideration.

19. Is Syngenta allowed to appeal my Notice?

No. Syngenta may not appeal under any circumstances. Syngenta may provide information related to an Appeal, but only at the request of the Special Master.