

PROPOSED TENTATIVE

Both parties in their briefing reference a court decision issued by United States District Court Judge Vince Chhabria in *Perez-Hernandez v. Bayer AG* (N.D. Cal 2024), No. 3:23-CV-04946-VC, MDL No. 2741, and specifically a determination made following a hearing at which the court granted a motion to dismiss, concluding plaintiffs had failed to allege sufficient facts to support Article III standing for a request for medical monitoring, although permitting an opportunity to file an amended pleading to shore up the deficiency. According to the parties, plaintiff did not file an amended complaint in federal court but instead filed the present action here. Although both parties reference Judge Chhabria's orders/decisions in their briefing, neither has included a copy of Judge Chhabria's written order and/or any transcript from the hearing (in association with any request for judicial notice or otherwise). More specifically, neither the order nor a transcript are contained in defendant's request for judicial notice (Exhibits A to FF), as attached to the declaration of Jeff Wilkerson (which contains Exhibits A to FF). Defendant includes only a redline version of the first amended complaint filed in the federal action as part of their request for judicial notice (at least as far as the court can determine). Plaintiffs also reference Judge Chhabria's decision in their opposition but also fail to include a copy of any order/transcript with their briefing. As this order/transcript appears central to the court's understanding of the issues at play, at least as framed by the parties, the court directs the parties to meet and confer, come to some agreement as to the appropriate documents that actually exist in this regard, and submit them as a part of a supplemental request for judicial notice. The documents should be submitted no later than October 1, 2025. As part of this supplemental filing, the court directs the parties to provide a written update on any complex case coordination efforts, and notably the motion filed with the Alameda County Superior Court, as reflected in documents lodged with the court on April 7, 2025, and an assessment of their impact on the current demurrer pending before this court.

Contrary to the new court hearing date agreed to by the parties in the stipulation filed on September 5, 2025, the court continues the demurrer and CMC to November 4, 2025, at 8:30 a.m., in this court. The parties do not have to appear at the September 9, 2025 hearing as a result. The parties are directed to appear either in person or via Zoom at the November 4, 2025 hearing.