

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS  
LIABILITY LITIGATION

MDL No. 2741

Case No. 16-md-02741-VC

This document relates to:

*Hardeman v. Monsanto*, 3:16-cv-00525-VC


**PRETRIAL ORDER NO. 153:  
FURTHER GUIDANCE FOR HEARING  
ON POST-TRIAL MOTIONS**

In addition to the questions listed in Pretrial Order No. 152, the parties should be prepared to discuss the following at the July 2, 2019, hearing:

1. If the Court decides that the punitive damages award exceeds the constitutional limit, do the parties agree that judgment may be entered for the maximum amount permitted by the Constitution? *See S. Union Co. v. Irvin*, 563 F.3d 788, 792 n.4 (9th Cir. 2009); *Leatherman Tool Grp., Inc. v. Cooper Indus., Inc.*, 285 F.3d 1146, 1151 (9th Cir. 2002). Or does Mr. Hardeman need to be offered a choice between accepting a remittitur or proceeding with a new trial?
2. Even assuming the Court can reduce the punitive damages award to the constitutional limit without running afoul of the Seventh Amendment, would California Code of Civil Procedure section 662.5(a)(2) require that Mr. Hardeman be offered a choice between remittitur and a new trial?

**IT IS SO ORDERED.**

Date: July 1, 2019

  
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Honorable Vince Chhabria  
United States District Court