

IN THE SUPREME COURT OF THE UNITED STATES

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No. 24-1068

MONSANTO COMPANY, PETITIONER

v.

JOHN L. DURNELL

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ON WRIT OF CERTIORARI  
TO THE MISSOURI COURT OF APPEALS

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MOTION OF THE UNITED STATES FOR LEAVE TO  
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE  
AND FOR DIVIDED ARGUMENT

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Pursuant to Rules 21, 28.4, and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in oral argument in this case as amicus curiae supporting petitioner and requests that the United States be allowed ten minutes of argument time. Petitioner consents to this motion and has agreed to cede ten minutes of argument time to the United States. Accordingly, if this motion were granted, argument time would be divided as follows: 20 minutes for petitioner, 10 minutes for the United States, and 30 minutes for respondent.

This case concerns whether the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq., preempts a labeling-based failure-to-warn claim where the Environmental Protection Agency (EPA) has not required the warning. The United States has a substantial interest in the resolution of that question. The United States, through EPA, implements and enforces FIFRA and generally must register all pesticides sold or distributed in the United States. See 7 U.S.C. 136a, 136w. Through its registration process, EPA previously reviewed and approved the specific labeling at issue here. At the Court's invitation, the United States filed an amicus brief at the petition stage of this case. At the merits stage, the United States filed an amicus brief supporting petitioner.

The United States has previously presented oral argument as amicus curiae or as a party in cases concerning the proper interpretation of FIFRA. See, e.g., Bates v. Dow Agrosciences LLC, 544 U.S. 431 (2005); Wisconsin Public Intervenor v. Mortier, 501 U.S. 497 (1991); Ruckelshaus v. Monsanto Co., 467 U.S. 986 (1984). And the United States has previously presented oral argument as amicus curiae in cases concerning the preemptive effect of other federal labeling regimes. See, e.g., Merck Sharp & Dohme Corp. v. Albrecht, 587 U.S. 299 (2019); Mutual Pharm. Co. v. Bartlett, 570 U.S. 472 (2013); PLIVA, Inc. v. Mensing, 564 U.S. 604 (2011); Wyeth v. Levine, 555 U.S. 555 (2009); Riegel v.

Medtronic, Inc., 552 U.S. 312 (2008). The United States' participation in oral argument in this case accordingly may be of material assistance to the Court.

Respectfully submitted.

D. JOHN SAUER  
Solicitor General  
Counsel of Record

MARCH 2026