

# A Win Against Roundup: The Battle for Justice in the Face of Corporate Immunity

Monsanto/Bayer's Attempt to End Pesticide/Herbicide  
Injury Litigation

By Michael L. Baum, Wisner Baum





# Overview of the Case Against Roundup: The Scientific Evidence

- In March, 2015, the International Agency for Research on Cancer (“IARC”) classified glyphosate as a **“2A Probable Human Carcinogen.”**

International Agency for Research on Cancer



- The classification initiated a series of seismic events.
- It prompted California to require products containing glyphosate, like Monsanto’s Roundup, to carry a warning label regarding the carcinogenic risks of glyphosate.
- Plaintiffs started filing lawsuits across the U.S.





# THE SCIENTIFIC EVIDENCE

In 1985, the EPA came to a consensus that, because of a study that found tumors in mice exposed to glyphosate, that Roundup was, in fact, a Class C carcinogen.

There is a plethora of evidence showing that Roundup:

- Causes tumors in animals
- Is genotoxic
- Resides in human bones





# THE SCIENTIFIC EVIDENCE

**Monsanto**

FROM (NAME - LOCATION - PHONE): Dept. of Medicine & Environmental Health G.J. Levinskas, G2WF 4-8809

DATE: April 3, 1985 cc. G. Roush, Jr., M.D.

SUBJECT:

REFERENCE:

TO: T.F. Evans

The following item of information is in addition to those included in the current monthly report.

Senior management at EPA is reviewing a proposal to classify glyphosate as a class C "possible human carcinogen" because of kidney adenomas in male mice. Dr. Marvin Kuschner will review kidney sections and present his evaluation of them to EPA in an effort to persuade the agency that the observed tumors are not related to glyphosate.

*GJL*  
George J. Levinskas

GJL/sfd

Pilliod v. Monsanto  
EX. 0072  
Case No: RG17862702

# THE SCIENTIFIC EVIDENCE

**Evaluation of the potential genotoxicity of Glyphosate,  
Glyphosate mixtures and component surfactants**

James M. Parry

Dr. Parry concluded on his evaluation of the four articles that glyphosate is capable of producing genotoxicity both *in vivo* and *in vitro* by a mechanism based upon the production of oxidative damage.

**Evaluation.** These studies provide some evidence that Roundup mixture produces DNA lesions *in vivo*, probably due to the production of oxidative damage.



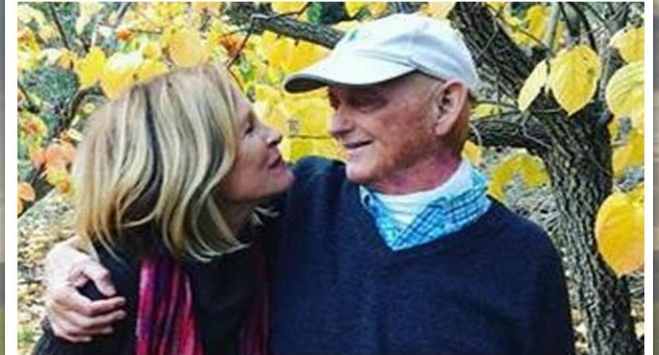
# Overview of the Case Against Roundup

- Plaintiffs file first Roundup cancer lawsuits in 2015 and 2016

## THE TRIBUNE

### Cambria widow sues Monsanto, linking her farmer husband's death to use of Roundup

BY KATHE TANNER  
KTANNER@THETRIBUNEWS.COM  
UPDATED MARCH 14, 2016 1:44 PM



Jack McCall with his wife, Teri, who has retained lawyers in a lawsuit against Monsanto.  
COURTESY PHOTO

**EcoWatch** 5

ITION FOOD + AGRICULTURE RENEWABLES OCEANS POLICY INSIGHTS + OPINION

### Monsanto Faces Hundreds of New Cancer Lawsuits as Debate Over Glyphosate Rages On

By EcoWatch | Mar 22, 2017 3:41AM EDT

HOME



### Coffee Farmers Sue Monsanto for Hiding Cancer-Causing Impact of Glyphosate



By EcoWatch | Feb 09, 2016 8:23AM EST



News, cases, com

INTELLECTUAL PROPERTY SECURITIES BANKRUPTCY COMPETITION EMPLOYMENT WHITE COLLAR LEGAL INDUSTRY ACCESS TO JUSTICE

## Monsanto Roundup Cancer Suits Centralized In Calif.



# THE LEGAL VICTORY

Three landmark verdicts in a row!

- \$289 Million – Johnson
- \$80 Million – Hardeman
- \$2 Billion – Pilliods

**\$289.2 Million Landmark Verdict  
Against Monsanto**



## The Guardian

**Monsanto ordered to pay \$289m as jury rules weedkiller caused man's cancer**

**Court finds in favor of Dewayne Johnson, first person to take Roundup maker to trial**





# THE LEGAL VICTORY

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The New York Times  
*\$2 Billion Verdict Against Monsanto Is Third to Find Roundup Caused Cancer*



Over \$2 Billion Verdict in Third Trial Against Monsanto



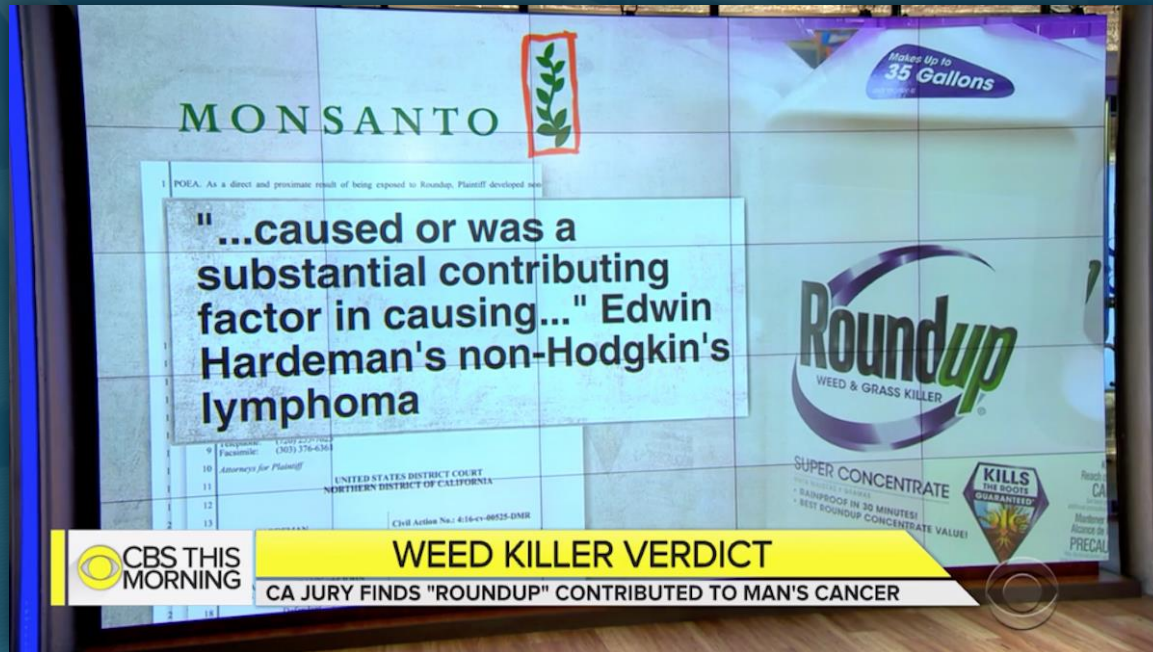
Michael Pilliod, Brent Wisner, Michael Baum, Alberta Pilliod, Alva Pilliod, Robert F. Kennedy, Jr. and Michael Miller





# THE LEGAL VICTORY

Roundup was a substantial factor in causing the plaintiffs' non-Hodgkin Lymphoma.



## VERDICT FORM

We, the Jury, answer the questions submitted to us as follows:

### CLAIM OF DESIGN DEFECT

Was the Roundup Pro® or Ranger Pro® design a substantial factor in causing harm to Mr. Johnson?

Yes

No

Did the potential risks of Roundup Pro® or Ranger Pro® present a substantial danger to persons using or misusing Roundup Pro® or Ranger Pro® in an intended or reasonably foreseeable way?

Yes

No

### CLAIM OF NEGLIGENT FAILURE TO WARN

Did Monsanto know or should it reasonably have known that Roundup Pro® or Ranger Pro® were dangerous or were likely to be dangerous when used or misused in a reasonably foreseeable manner?

Yes

No



# THE LEGAL VICTORY

These trial victories paved the way for settlement resolutions for over 100,000 plaintiffs in 2020 worth a combined \$10.9 billion.



Business

## Bayer to pay up to \$10.9 billion to settle bulk of Roundup weedkiller cancer lawsuits

By Ludwig Burger and Tina Bellon

June 24, 2020 1:16 PM PDT · Updated 4 years ago

Aa





# MONSANTO / BAYER'S MISCONDUCT

Plaintiff lawyers uncover a mountain of evidence which we share publicly as **The Monsanto Papers**. They show decades of misconduct.

**45 years of deliberate disregard  
for consumer safety**

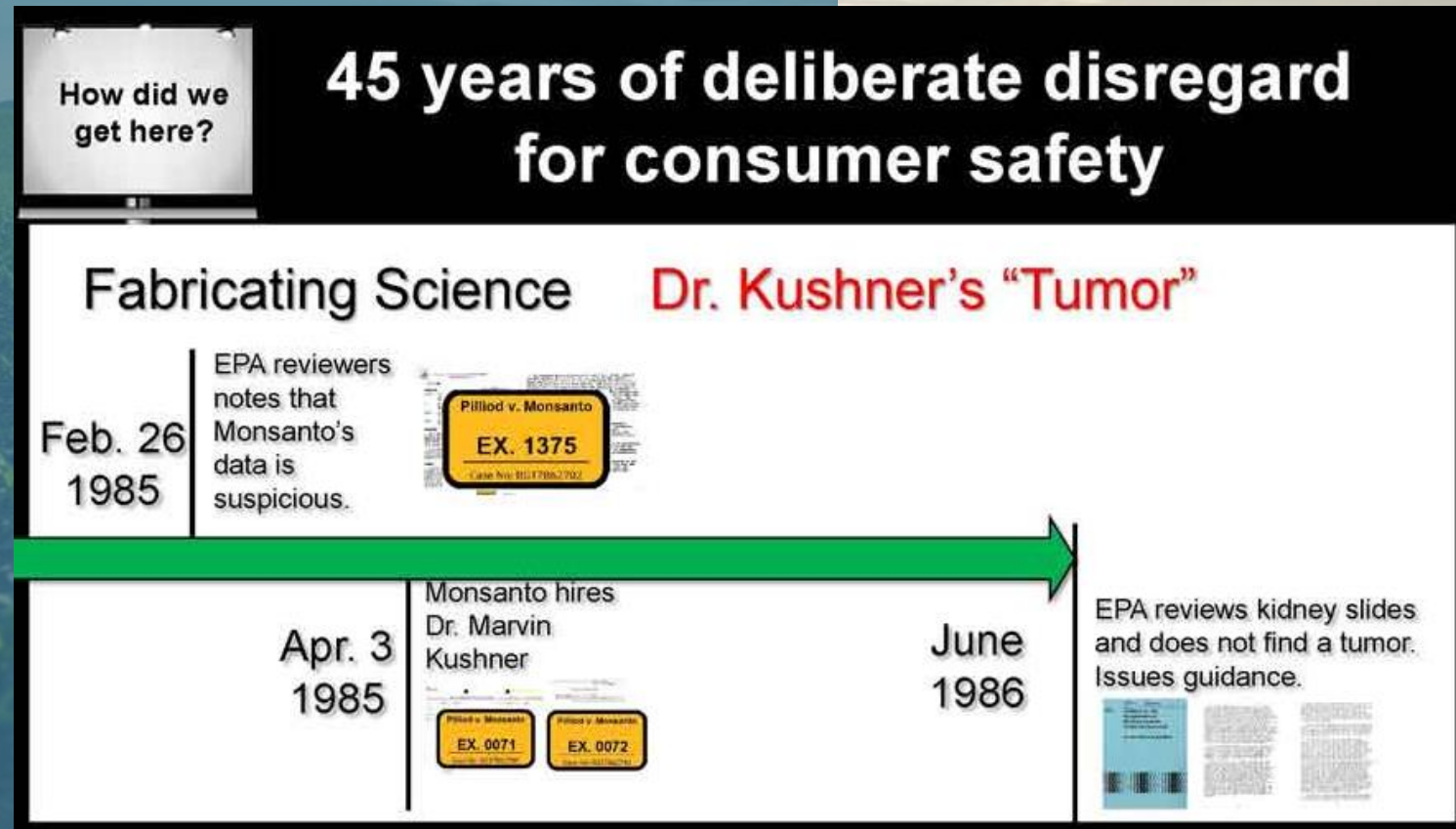
IBT Scientific Fraud  
Fabricating Science  
Burying Studies  
Using hazardous POEA  
Refusing to Warn  
Freedom to Operate (FTO)



# MONSANTO / BAYER'S MISCONDUCT

Monsanto scientist basically convinces EPA that a mouse tumor was missed in the control group of the study the EPA considered to classify glyphosate as a carcinogen, so they change their mind.

EPA asked Monsanto to conduct another mouse study, but to this day, they never have.





# THE ROUNDUP LAWSUITS NEVER STOP

Thousands of other Roundup cases were never resolved, and Monsanto refused to add a warning to its label, so the lawsuits keep on coming.

Plaintiffs have won and lost some more trials.

## ROUNDUP TRIAL VERDICTS

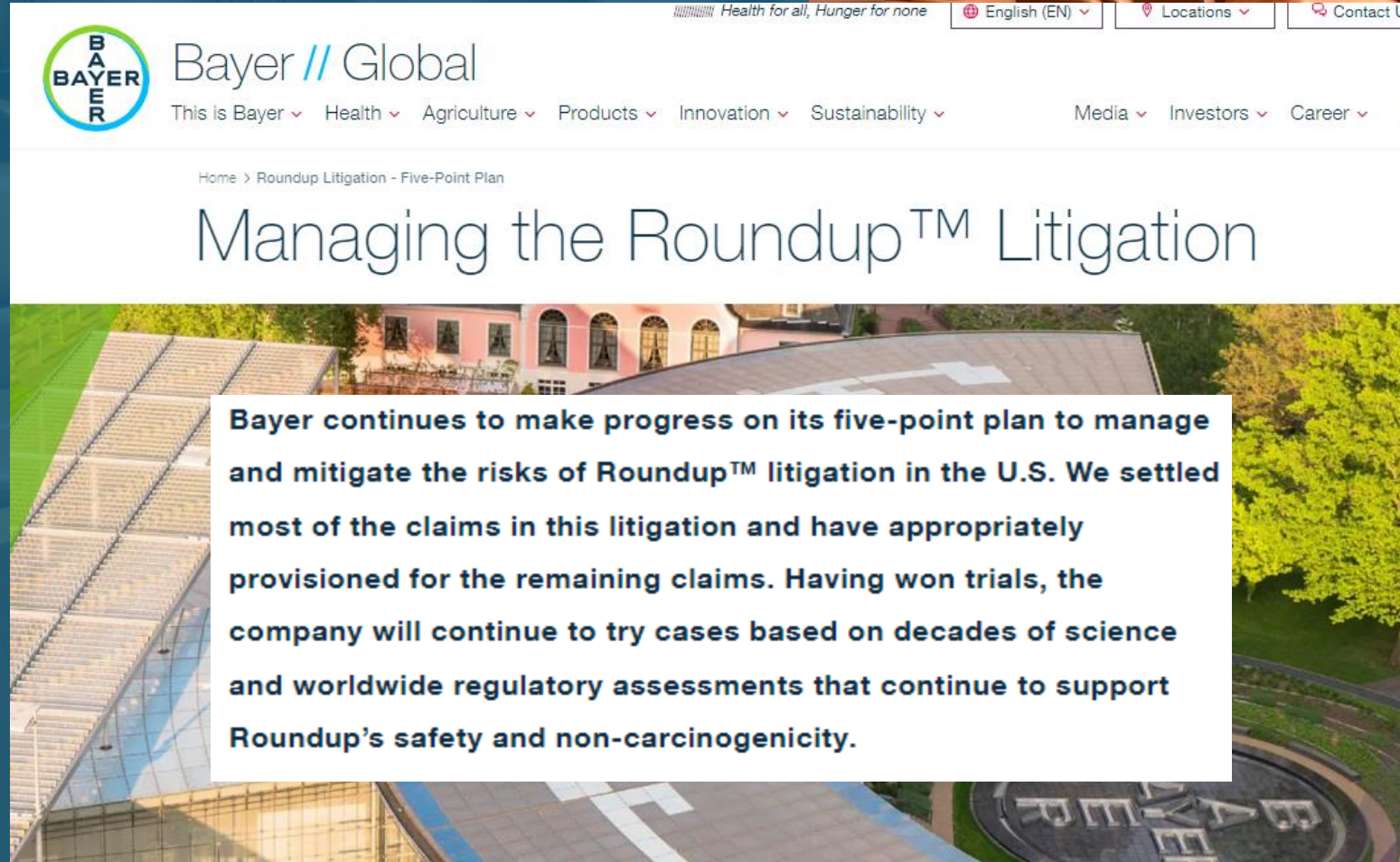
Date	Plaintiffs	Court	Verdict	Final
2024	Purnell	Pennsylvania	Dismissed	
2024	Kline	Pennsylvania	Loss	
2024	Cloud	Delaware	Hung Jury	
2024	Cody	Arkansas	Loss	
2024	McKivison	Pennsylvania	\$2,250,000,000	
2023	Jones	California	Loss	
2023	Martel	Pennsylvania	\$3,500,000	
2023	Anderson et al.	Missouri	\$1,561,100,100	
2023	Dennis	California	\$332,000,000	
2023	Caranci	Pennsylvania	\$175,000,000	
2023	Durnell	Missouri	\$1,250,000	
2023	McCostlin	Missouri	Loss	
2023	Gordon	Missouri	Loss	
2023	Ferro	Missouri	Loss	
2022	Alesi	Missouri	Loss	
2022	Johnson	Oregon	Loss	
2022	Shelton	Missouri	Loss	
2021	Stephens	California	Loss	
2021	Clark	California	Loss	
2019	Pilliod*	California	\$2,000,550,000	\$87,000,000
2019	Hardeman**	MDL	\$80,200,000	\$25,200,000
2018	Johnson*	California	\$289,200,000	\$20,500,000



# THE ROUNDUP LAWSUITS NEVER STOP

Immunity from liability is their goal.

Preemption is the legal remedy they have sought since we won the first verdict.



The screenshot shows the Bayer Global website. At the top, the Bayer logo is on the left, followed by the text 'Bayer // Global'. To the right of the logo are navigation links: 'This is Bayer', 'Health', 'Agriculture', 'Products', 'Innovation', 'Sustainability', 'Media', 'Investors', and 'Career'. Further right are links for 'English (EN)', 'Locations', and 'Contact Us'. Below the navigation is a breadcrumb trail: 'Home > Roundup Litigation - Five-Point Plan'. The main heading is 'Managing the Roundup™ Litigation'. Below the heading is a large image of a modern building with a glass facade and a circular courtyard. Overlaid on this image is a white text box with the following text:


**Bayer continues to make progress on its five-point plan to manage and mitigate the risks of Roundup™ litigation in the U.S. We settled most of the claims in this litigation and have appropriately provisioned for the remaining claims. Having won trials, the company will continue to try cases based on decades of science and worldwide regulatory assessments that continue to support Roundup's safety and non-carcinogenicity.**



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Health for all, Hunger for none English (EN) Locations Contact Us

**BAYER** Bayer // Global  
This is Bayer ▾ Health ▾ Agriculture ▾ Products ▾ Innovation ▾ Sustainability ▾ Media ▾ Investors ▾ Career ▾

Home > Roundup Litigation - Five-Point Plan

## Managing the Roundup™ Litigation

### Five-point plan at-a-glance:

1. Seek positive ruling from the U.S. Supreme Court:
2. Continue to manage current cases:
3. New U.S. Lawn & Garden (L&G) formulations:
4. Claims program to manage future cases:
5. Promote new safety study webpage:

### Five-point plan at-a-glance:

#### 1. Seek positive ruling from the U.S. Supreme Court:

A favorable ruling by the U.S. Supreme Court on the federal preemption question could largely end the Roundup™ litigation. The main question here is whether state-based failure-to-warn claims are preempted by federal law, since the EPA concluded glyphosate does not cause cancer and approved the Roundup™ label without a warning. We have progressed in seeking appellate review of our arguments on federal preemption with two cases awaiting decisions. The first is Carson, pending in the Eleventh Circuit Federal Court of Appeals. The second appeal is Schaffner, pending in the Third Circuit Federal Court of Appeals.



# THE PUSH FOR CONGRESSIONAL IMMUNITY

## The “Farm Bill”

Pesticide Immunity - Sec. 10204 [Farm Bill]  
H.R. 8467 - The Farm, Food and National Security Act of  
2024

### Section 10204 - Uniformity of Pesticide, Labeling and Requirements

- Prohibit the right to sue for failure to warn when harmed by pesticides.
- Prohibit the rights of states and local governments to restrict pesticides and protect public health and the environment.





# THE PUBLIC POLICY IMPACT

## Getting away with murder?

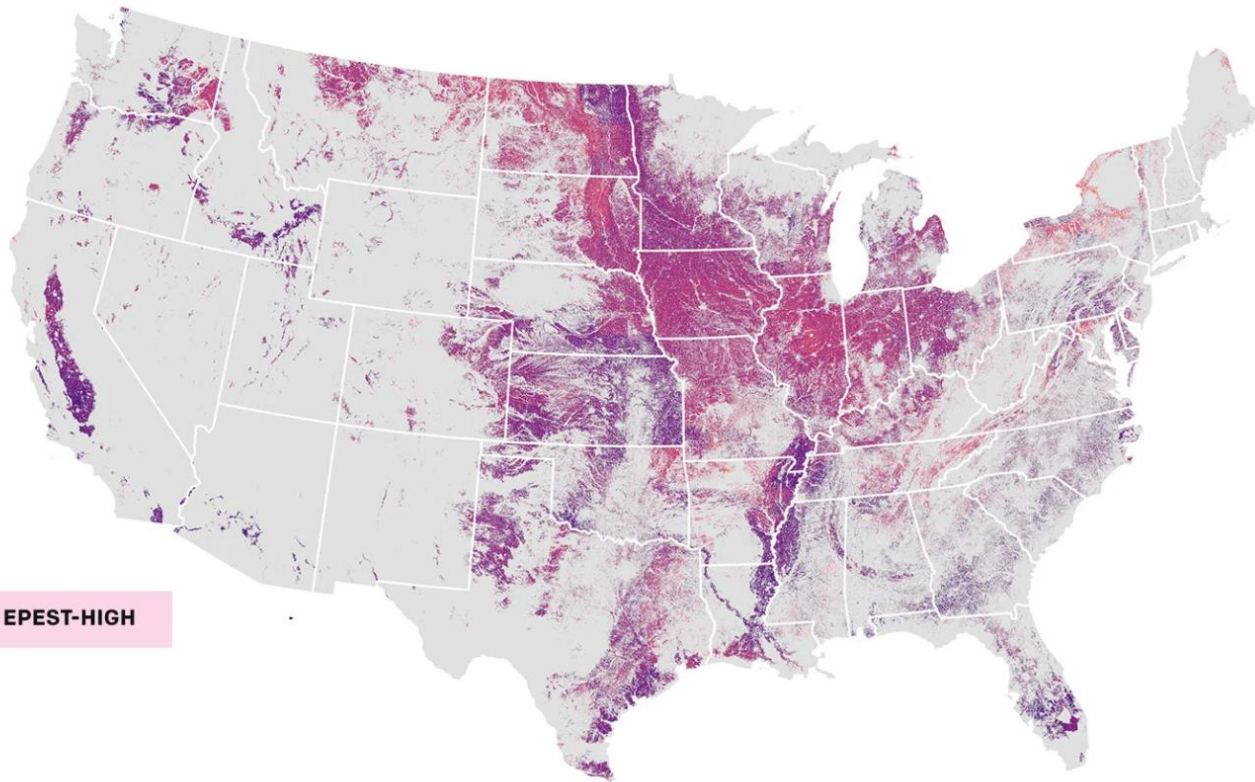
- Cancer-causing ingredients will remain on the market.
- Lawsuits blocked; no path to justice for victims.
- No accountability for injuries and deaths pesticides and herbicides cause to humans
- Agricultural companies can add other toxins harmful to humans, unchecked.
- The Act will prohibit local and state governments from passing pesticide ordinances that are more stringent than federal regulations and policy.





# ENVIROMENTAL IMPACT

Where are organophosphate pesticides used?



EPEST-HIGH



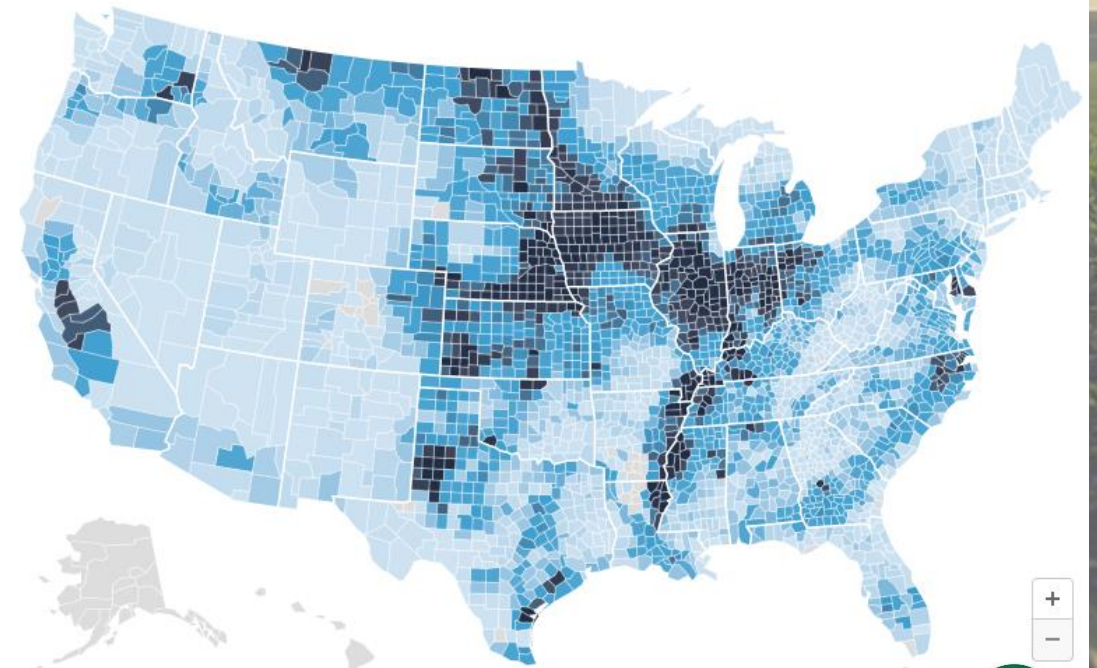
-3.20 5.03

Pounds per square mile of harvested cropland (log)

## Glyphosate usage in the U.S.

Herbicides containing glyphosate are most used in farmland counties, with areas in Texas topping the list.

Glyphosate sprayed for agricultural purposes (pounds per square mile)



Notes: Usage was not reported in the counties colored gray.

Source: U.S. Geological Survey

Graphic: Danica Jefferies / NBC News









# THE NEED FOR CONTINUED LITIGATION

Our civil justice system:

- Empowers U.S. citizens
- Safeguards society
- Ensures accountability





# WHAT CAN BE DONE?

Contact your congressional reps and tell them to vote “no” on the legal immunity provision in the Farm Bill, as it further victimizes the victims.



- Call
- Email
- Write
- Spread the word
- Encourage others to do the same