

# THE RECORDER

## Roundup Plaintiffs Win Streak Ends: California Jury Sides With Monsanto

By Amanda Bronstad

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### What You Need to Know

- The verdict is the 10th defense win for Monsanto since Roundup trial restarted following the COVID-19 pandemic shutdowns.

- Jessica Grant and Mat Larsen, partners at Shook Hardy & Bacon in San Francisco and Kansas City, Missouri, represented Bayer's Monsanto.

- Another Roundup trial is set to begin jury selection on Jan. 4 in Philadelphia.

A California jury sided with Monsanto, issuing the first defense verdict in a Roundup trial in the past several months.

The Dec. 22 verdict gives Monsanto, now owned by Bayer, its 10th Roundup victory since trials resumed following the shutdowns of the COVID-19 pandemic. It also ends a string of five plaintiffs' verdicts that totaled more than \$2 billion.

The trial, which began earlier this month, involved Bruce Jones, 72, who was diagnosed with non-Hodgkin lymphoma in 2021 after decades of exposure spraying Roundup on his ranch and commercial properties.

"The jury's verdict in favor of the company brings this trial to a successful conclusion and is consistent with the evidence in this case that Roundup does not cause cancer and is not responsible for the plaintiff's illness," a Baker spokesperson said.



(Courtesy photo)

**Jessica Grant of Shook, Hardy & Bacon.**

The spokesperson added: "The verdict continues the company's strong record at trial, winning 10 of the last 15 cases, and validates its strategy of taking cases to trial based on the overwhelming weight of scientific and consistent worldwide regulatory support for the safety of these products. We continue to stand behind the safety of Roundup and will continue to confidently defend the safety of our products and our good faith actions in future litigation."

Bayer was represented at trial by Jessica Grant and Mat Larsen, partners at Shook Hardy & Bacon in San Francisco and Kansas City, Missouri.

Matt Leckman of Philadelphia's Leckman Law and Andrew Kirkendall of Kirkendall Dwyer in Dallas represented Jones. And in an email, Leckman said his team was "devastated."

"Given how the trial went and the evidence came in, and the relative performance between our side and defense, I think even the defense team was stunned they won," he wrote. "I don't know how to explain it."

Bayer has faced previous Roundup trials in California, where juries have awarded verdicts of \$289 million, \$80 million and \$2 billion in 2018 and 2019. Bayer has won two previous Roundup trials in California. None so far has been in San Benito County Superior Court, which serves a county with fewer than 65,000 residents.

Last month, a jury in San Diego County Superior Court awarded \$332 million in a Roundup trial. That verdict was one of four that hit Bayer in the past month, ending a streak of nine defense wins in a row. The others included awards of \$1.25 million and \$1.56 billion, in separate Missouri state courts, and a \$175 million verdict in the Philadelphia Court of Common Pleas, where another jury in a separate trial awarded \$3.5 million this month.

Another Roundup trial is set to begin jury selection on Jan. 4 in Philadelphia.

In this month's California trial, Monsanto had insisted that San Benito County Superior Court Judge Patrick Palacios should be disqualified because he wasn't an "all-purpose" judge assigned to the case. After Palacios rejected the disqualification motion, Monsanto petitioned California's Sixth District Court of Appeal. On Dec. 1, the appeals court denied the petition.