

## **Dewayne Johnson v. Monsanto**

### **REFERENCE :**

CGC-16-550128 // A155940

### **COMPLAINT DATE :**

January 28, 2016

### **STATUS :**

Final judgment

### **PLACE OF JURISDICTION :**

United States, San Francisco

### **PLAINTIFFS TYPES :**

Technicians and Professional users

### **PLAINTIFFS NAMES :**

Dewayne Johnson

### **DEFENDANTS :**

Monsanto, Wilbur-Ellis, Other

### **LAWYERS :**

Curtis G. Hoke, David J. Dickens, Timothy Litzenburg, R. Brent Wisner, Pedram Esfandiary, Michael L. Baum, Mark Burton, Steven Brady, Michael J. Miller

### **CASE NATURE :**

Civil court

### **SPECIFICITIES :**

Jury

### **PRODUCTS :**

Herbicide, Glyphosate, Roundup

### **REQUESTS :**

Compensatory and punitive damages ; awarding Plaintiffs their costs, expenses, and reasonable attorney's fees incurred in this matter; further relief as the Court deems just and proper. Demand for Jury Trial.

### **NAME OF THE COURT :**

Superior Court of San Francisco, United States

### **JURISDICTION LEVEL :**

Court

### **DECISION DATE :**

August 10, 2018

### **DECISION NATURE :**

Positive

### **DECISION CONTENT :**

The jury found unanimously that Monsanto's glyphosate-based Roundup weed killer caused Mr. Johnson to develop NHL, and that Monsanto failed to warn of this severe health hazard. The jury also found that Monsanto acted with malice, oppression or fraud and should be punished for its conduct.

### **LEGAL BASIS :**

National law

### **COURT RULING :**

Link to the ruling (<https://www.baumhedlundlaw.com/pdf/monsanto-documents/johnson-trial/Johnson-vs-Monsanto-Verdict-Form.pdf>)

### **SUMMARY :**

The lawsuit challenges Monsanto's position that its herbicides are proven safe and asserts that the company has known about the dangers and hidden them from regulators and the public. Verdict has been pronounced on August 10, 2018. On 9/18/2018, Monsanto asks the judge to either overturn the verdict, order a new trial or reduce damages, pointing to lack of evidence to support plaintiff's claims that Roundup caused his terminal lymphoma and "flagrant misconduct in front of the jury" by Brent Wisner, an attorney representing Dewayne Johnson. A hearing on Monsanto's motions was held on Oct. 10, 2018. October 22, the judge confirmed the verdict, but lowered the punitive damages from \$250 million to \$39 million. The plaintiff has decided on October 26 to accept this decision. Otherwise, Monsanto's motion for a new trial would have been accepted. On 20/11/2018, Monsanto appealed the judgment. Johnson cross-appealed seeking reinstatement of the full jury award. Hearing is June 2, 2020. The appeals court had notified that the lawyers should be prepared to focus on the question of damages awarded (A155940, A156706). At this date, Bayer has reached verbal agreements with a large proportion of about 125,000 U.S. plaintiffs who allege Roundup causes cancer as part of a \$10 billion plan to end all legal claims around the weedkiller.

### **SCIENTIFIC REFERENCES :**

Glyphosate – Monographs (<http://monographs.iarc.fr/ENG/Monographs/vol112/mono112-10.pdf>)

### **RELATED LINKS :**

Complaint for Damages and Demand for Jury Trial (<https://usrtk.org/wp-content/uploads/2016/09/Dewayne-Johnson-lawsuit.pdf>)

Judge's order in Johnson Case ahead of trial (<https://usrtk.org/wp-content/uploads/2016/09/Judges-order-in-Johnson-Case-ahead-of-trial.pdf>)

Monsanto Loses Motions to Avoid June Roundup-Induced Cancer Trial (<https://www.baumhedlundlaw.com/5-18-plaintiff-punitive-damages-against-monsanto/>)

Landmark lawsuit claims Monsanto hid cancer danger of weedkiller for decades

(<https://www.theguardian.com/business/2018/may/22/monsanto-trial-cancer-weedkiller-roundup-dewayne-johnson>)

First Monsanto Roundup Trial Starts in June 2018 in San Francisco (<https://www.baumhedlundlaw.com/first-monsanto-roundup-trial-june-18/>)

Landmark lawsuit claims Monsanto hid cancer danger of weedkiller for decades

(<https://www.theguardian.com/business/2018/may/22/monsanto-trial-cancer-weedkiller-roundup-dewayne-johnson>)

First legal case of a Monsanto Roundup's victim has started in San Francisco

(<https://justicepesticides.org/en/2018/06/19/first-legal-case-of-a-monsanto-roundups-victim-has-started-in-san-francisco/>)

Malade du cancer, il traîne Monsanto au tribunal (FR) (<http://www.24heures.newsnetz.ch/monde/Malade-du-cancer-il-traîne-Monsanto-au-tribunal/story/22508634>)

Monsanto to Pay \$289.2 Million in Landmark Roundup Lawsuit Verdict (<https://www.baumhedlundlaw.com/289-million-first-roundup-lawsuit-verdict/>)

Jury Finds Monsanto Owes \$289 Million in Roundup Cancer Trial (<https://www.courthousenews.com/jury-finds-monsanto-liable-in-roundup-cancer-trial/>)

One man's suffering exposed Monsanto's secrets to the world (<https://www.theguardian.com/business/2018/aug/11/one-mans-suffering-exposed-monsantos-secrets-to-the-world>)

Monsanto Comes Out Swinging on \$289M Roundup Cancer Verdict (<https://www.courthousenews.com/monsanto-comes-out-swinging-on-289m-roundup-cancer-verdict/>)

Memorandum of Points and Authorities in Support of Monsanto Company's for Judgement Notwithstanding the Verdict

(<https://www.courthousenews.com/wp-content/uploads/2018/09/Johnson-Monsanto-JNOV.pdf>)

Memorandum of Points and Authorities in Support of Monsanto Company's for new Trial

(<https://www.courthousenews.com/wp-content/uploads/2018/09/Johnson-Monsanto-New-Trial-MOTION.pdf>)

Tentative Ruling on Defendant's motions ([https://www.courthousenews.com/wp-content/uploads/2018/10/Johnson-v-Monsanto\\_Tentative-Ruling.pdf](https://www.courthousenews.com/wp-content/uploads/2018/10/Johnson-v-Monsanto_Tentative-Ruling.pdf))

Order denying Monsanto's motions (<https://www.baumhedlundlaw.com/pdf/monsanto-documents/johnson-trial/Order-Denying-Monsantos-Motion.PDF>)

Notice of Acceptance of Remittitur (<https://www.baumhedlundlaw.com/pdf/monsanto-documents/johnson-trial/Johnson-Notice-of-Remittitur.pdf>)

Defendant Monsanto Company's notice of appeal (<https://usrtk.org/wp-content/uploads/2018/11/Monsanto-appeals-reduced-Johnson-verdict.pdf>)

Appeals court focused on damages question ahead of Johnson v. Monsanto hearing (<https://usrtk.org/monsanto-roundup-trial-tacker/appeals-court-focused-on-damages-question-ahead-of-johnson-v-monsanto-hearing/>)

Bayer reaches deal to settle 85,000 cancer lawsuits over Roundup weedkiller

(<https://www.independent.co.uk/news/business/news/bayer-roundup-weedkiller-cancer-lawsuits-settlement-a9531821.html>)

Bayer Fights Jury Loss in Bid to Limit Cost of Roundup Payouts (<https://www.bloombergquint.com/onweb/bayer-fights-jury-loss-in-bid-to-limit-cost-of-roundup-payouts>)

No more legal headache for Bayer as it nears \$10B Roundup settlement: report (<https://www.fiercepharma.com/pharma/no-more-legal-headache-for-bayer-as-it-nears-10b-roundup-settlement-report>)

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