

Destiny Clark v. Monsanto et al

REFERENCE :

20STCV46616

COMPLAINT DATE :

No description

STATUS :

Final judgment

PLACE OF JURISDICTION :

United States, County of Los Angeles

PLAINTIFFS TYPES :

Individuals

PLAINTIFFS NAMES :

Destiny Clark, on behalf of her son Ezra Clark, minor

DEFENDANTS :

Monsanto

LAWYERS :

Paul R. Kiesel, Melanie Palmer, Fletcher V. Trammel, Melissa Binstock Ephron, William D. Shapiro, Brian D. Shapiro, Matthew D. Shapiro

CASE NATURE :

Civil court

PRODUCTS :

Herbicide, Roundup, Glyphosate

REQUESTS :

Compensatory damages, economic damages in the form of medical expenses, punitive and/or exemplary damages for the wanton, willful, fraudulent, and reckless acts of the defendants, plaintiff reasonable attorneys' fees, the costs of these proceedings.

NAME OF THE COURT :

Superior Court of the State of California of County of Los Angeles, United States

JURISDICTION LEVEL :

Court

DECISION DATE :

October 5, 2021

DECISION NATURE :

Negative

DECISION CONTENT :

In a 9 to 3 decision, the jury found that the child's personal exposure to Roundup was not enough to be a "substantial factor" in the development of his Burkitt's lymphoma.

LEGAL BASIS :

National law

COURT RULING :

No description

SUMMARY :

Minor Ezra Clark has been directly exposed to Roundup when accompanying his mother, Destiny Clark, as she sprayed Roundup to control weeds at the family's residence and when he played in areas that had been freshly sprayed by family members. On February 29, 2016 at the age of 4, Plaintiff was diagnosed with Burkitt's lymphoma, a rare and aggressive form of non-Hodgkin's Lymphoma ("NHL"). After performing a differential diagnosis following a review of Ezra's medical history, Plaintiff's experts have concluded, to a reasonable degree of medical certainty, that Ezra's exposure to Roundup was a substantial factor in causing his NHL. Had Plaintiff known of the risk of NHL associated with the use of Roundup at the time she read the Roundup label prior to starting to use Roundup, she would not have used it. Trial begins on Sept. 13, 2021. Unlike previous Roundup cases, this one was subject to a bifurcation order that organized the case into two phases. The first phase was limited to presenting evidence that focused on the child's personal exposure to Roundup and whether or not it was enough to be a "substantial factor" in his development of Burkitt's lymphoma. In a 9 to 3 decision, the jury found that it was not. The case would have proceeded to a second phase had the plaintiff won the first phase, but the loss in the first phases ends the trial. The plaintiff's lawyers may decide to appeal the judgement.

SCIENTIFIC REFERENCES :

No scientific reference for this case.

RELATED LINKS :

Plaintiff's Opposition to Defendant's Motion for Summary Judgment or, In the Alternative, Summary Adjudication (<https://usrtk.org/wp-content/uploads/2021/08/Clark-v-Monsanto-motion-for-summary-judgment.pdf>)

Covid delays one Roundup cancer trial while another looms (<https://usrtk.org/monsanto-roundup-trial-tracker/covid-delays-one-roundup-cancer-trial-while-another-looms/>)

Cancer d'un enfant exposé au Roundup : nouveau procès contre Bayer à Los Angeles (<https://www.lefigaro.fr/flash-eco/cancer-d-un-enfant-expose-au-roundup-nouveau-proces-contre-bayer-a-los-angeles-20210913>)

Bayer wins Roundup trial; plaintiff fails to prove exposure caused child's disease (<https://usrtk.org/monsanto-roundup-trial-tracker/bayer-wins-roundup-trial-plaintiff-fails-to-prove-exposure-caused-childs-disease/>)

Bayer Wins its First Roundup Jury Verdict in Case of Child's Cancer (<https://www.claimsjournal.com/news/national/2021/10/06/306372.htm>)