

Stephens v. Monsanto

REFERENCE :

CGC-20-58576411 // CIVSB2104801

COMPLAINT DATE :

August 4, 2020

STATUS :

Final judgment

PLACE OF JURISDICTION :

United States, San Bernardino

PLAINTIFFS TYPES :

Individuals

PLAINTIFFS NAMES :

Donnetta Stephens

DEFENDANTS :

Monsanto, Wilbur-Ellis

LAWYERS :

Karen Barth Menzies, Fletcher V. Trammell, Melissa Binstock Ephron, Alexander G. Dwyer, Andrew F. Kirkendall, Erin M. Wood, Paul L. Kiesel, William Shapiro

CASE NATURE :

Civil court

SPECIFICITIES :

Jury

PRODUCTS :

Herbicide, Roundup, Glyphosate

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 the State of California, County of Alameda of San Bernardino, United States

JURISDICTION LEVEL :

Court

DECISION DATE :

December 9, 2021

DECISION NATURE :

Negative

DECISION CONTENT :

The jury rejected Ms Stephens' claim that Roundup caused her cancer.

LEGAL BASIS :

National law

COURT RULING :

No description

SUMMARY :

Donnetta Stephens filed a complaint against Monsanto because she is suffering from non-Hodgkin's Lymphoma after having used Roundup herbicide for more than 30 years. Her case has been joined to hundreds of cases brought before the courts of the State of California in Judicial Council Coordination Proceedings (JCCP NO. 4953). On Oct. 14, 2020, plaintiff's counsels file a motion for trial preference, due to her ailing health, as had been previously granted for another JCCP NO. 4953 case (Pilliods v. Monsanto). The motion is granted in December 2020. It will be the 4th case linking use of Roundup with NHL. On July 19, 2021, Judge Gilbert Ochoa ruled – in agreement with Monsanto – that federal law regarding EPA oversight of pesticide product labeling preempts “failure to warn” claims under state law, meaning Stephens’ lawyers would not be able to pursue such claims. Still, the claims that Monsanto made an unsafe product and knowingly pushed it into the marketplace remain intact and will be presented at trial, set to begin in Aug. 2021. But the judge changed his position after the Court of Appeal for California denied Monsanto’s preemption argument in the Pilliods' case on Aug. 9, 2021. Monsanto recognized the appellate court decision was “binding” on the San Bernardino court, but said the appeals court “committed legal error.” On Dec. 9, 2021, the jury rejected Ms Stephens’s claim that Roundup caused her cancer, finding that the company wasn't negligent in designing its weed killer, nor did it know that the product was dangerous or likely to be dangerous.

SCIENTIFIC REFERENCES :

Exposure to Glyphosate-Based Herbicides and Risk for Non-Hodgkin Lymphoma : A Meta-Analysis and Supporting Evidence (<https://www.sciencedirect.com/science/article/pii/S1383574218300887>)

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

RELATED LINKS :

Donnetta Stephens v. Monsanto Company, et al. (<https://usrtk.org/wp-content/uploads/2021/03/Stephens-V-Monsanto-motion-for-trial-preference.pdf>)

New Roundup cancer trial starting in California (<https://usrtk.org/monsanto-roundup-trial-tracker/new-roundup-cancer-trial-starting-in-california/>)

Ruling on Submitted Matter, July 19, 2021 (<https://www.agri-pulse.com/ext/resources/pdfs/courts/071921-RULING-ON-SUBMITTED-MATTER.pdf>)

California State Court Issues Pretrial Ruling In Roundup Case (<https://nationalaglawcenter.org/california-state-court-issues-pretrial-ruling-in-roundup-case/>)

New Roundup cancer trial starting in California (<https://usrtk.org/monsanto-roundup-trial-tracker/new-roundup-cancer-trial-starting-in-california/>)

Bayer heads into next U.S. cancer trial, opening statements set for Thursday (<https://usrtk.org/monsanto-roundup-trial-tracker/bayer-heads-into-next-u-s-cancer-trial-opening-statements-set-for-thursday/>)

Joint exhibit list, including scientific references (<https://usrtk.org/wp-content/uploads/2021/07/Joint-exhibit-list-for-Stephens-v-Monsanto.pdf>)

Roundup : Bayer-Monsanto se prépare à perdre de nouveaux procès liés au glyphosate (FR)

(https://www.liberation.fr/environnement/roundup-bayer-monsanto-se-prepare-a-perdre-de-nouveaux-proces-lies-au-glyphosate-20210808_KRL73P7UQRHKDPXBQA3WNA7AAE/GM/)

Scientist testifies in Roundup trial; judge reverses ruling that had helped Monsanto (<https://usrtk.org/monsanto-roundup-trial-tracker/scientist-testifies-in-roundup-trial-judge-reverses-ruling-that-had-helped-monsanto/>)

Bayer Wins Second Jury Verdict in California Roundup Trial (<https://news.bloomberglaw.com/environment-and-energy/bayer-says-it-won-jury-verdict-in-california-roundup-trial>)

Bayer wins second straight verdict in a Roundup cancer case (<https://www.reuters.com/business/healthcare-pharmaceuticals/bayer-wins-second-straight-verdict-roundup-cancer-case-2021-12-09/>)

