



Ledingham

Attorneys spar over medical slides evidence in Monsanto Roundup trial

LAWSUITS

By John Sammon

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In a trial to determine if Monsanto's weed killer Roundup caused the cancer of three claimants, plaintiff attorney Gibbs Henderson sparred with a defense expert during cross examination Thursday over pathology evidence.

"Even if a pesticide (Roundup) caused it (cancer), would you see it (on a pathology slide)?" plaintiff attorney Henderson asked.

"No," answered Dr. Eric Duncavage, a pathology professor with Washington University in St. Louis.

The trial in the 21st Missouri Circuit Judicial Court is being streamed live courtesy of [Courtroom View Network](#).

The suit filed by plaintiffs Marty Cox, Cheryl Davis and Gary Gentile asks for damages for medical bills, treatments, physical pain and mental anguish. The three have different forms of Non-Hodgkin's Lymphoma (NHL), a cancer. Cox was diagnosed with B-cell lymphoma, Gentile with high-grade-B-cell lymphoma and Davis with follicular lymphoma. The plaintiffs are in their 60s and 70s.

Glyphosate, the active ingredient in Roundup, was added to a list of hazardous materials in July of 2017 by

glyphosate, the active ingredient in Roundup, was added to a list of hazardous materials in July of 2011, by the Office of Environmental Health Hazard Assessment (OEHHHA). This after IARC determined in 2015 the substance is an animal, and thus, probably a human carcinogen.

However, the EPA has said there are no risks from the chemical to humans when it is used in accordance with its labeling.

On Thursday, Duncavage appeared as an expert witness for the defense of Monsanto. He brought his high-powered microscope with him and set it up on the witness stand, where he displayed for a jury glass-plate slides that showed the magnified cells of the three plaintiffs.

He explained the cell abnormalities of each of the three.

From the start of the trial, defense attorneys have hammered on the theme that each of the three plaintiffs have different types of NHL and differing treatment programs (all three are currently in remission). Therefore, they have argued, it is unlikely the three got the cancers from a single source (Roundup).

"Are these different types of cancers?" asked Monsanto attorney Shawn S. Ledingham, Jr..

"Yes," Duncavage responded. "They are sub-types of NHL. All are distinctly different."

"Was there anything that suggested the cause of their cancer?"

"No."

"Are there causes of lymphoma that you can see (on a medical glass slide)?"

"Yes." Duncavage said, adding that one example is lymphoma caused by asbestos exposure, where fibers of the mineral can be seen inside cells.

"Is there anything that suggests that Roundup or glyphosate caused their cancer?" Ledingham asked.

"No," Duncavage answered.

Under cross examination, Henderson said Duncavage had not testified in court before. Duncavage agreed.

"But you have served as an expert (out-of-court for Monsanto) since 2018?"

"Yes," Duncavage said.

"You have made about \$25,000."

"That sounds reasonable," Duncavage said.

"You've served in three other cases."

"That's right."

"Are there sub-types of NHL?" Henderson asked.

"That's correct."

"All (the plaintiffs) have NHL in their B cells."

"That's correct," Duncavage said.

"Other than Epstein-Barr (a virus) and stomach bacteria, you can't identify any others (pesticides) from a review of pathology slides," Henderson said.

Duncavage said there are T-cells that can be seen and some forms of HIV infection.

"But you can't establish any other."

"No," Duncavage said.

"You don't know if a pesticide would show up?"

"I don't know if it's been reported, no."

"(Henderson asked Duncavage if he had ever testified in court before.)"

“You have never visualized it (pesticide),” Henderson asked.

“No, I have not.”

“Even if a pesticide caused it (cancer), would you see it (on a slide)?”

“Not on a glass slide,” Duncavage said.

Through the course of trial, now in its fourth week, plaintiff attorneys have accused Monsanto employees of attempting to counter the finding of IARC – that Roundup is probably a carcinogen – by getting their own panel of experts and influencing it to make a finding of no toxins. They said company employees had ghost-written portions of a 2015 study that found no link between Roundup and cancer.

“It would be an improper form of ghost writing if another person not involved (in the report), another researcher, their name was put on it (report)?” Henderson asked.

“The author would have to agree what’s on it (report),” Duncavage said.

“Improper if another person who did not review the report, their name was put on it,” Henderson repeated.

“Yes,” Duncavage said.

On re-direct, Cachan asked if the plaintiffs had one, two or three separate types of cancer?

“Three,” Duncavage answered.

“Did you see any evidence of Roundup?”

“No.”

On re-cross, Henderson asked, “You’re not aware of any pesticides that would be visible (on slides), because they don’t have pigment on them?”

“No,” Duncavage agreed.

The trial, which began on Aug. 3 is moving into its final phase.



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