

## Monsanto Hit with Historic \$2.055 Billion Verdict Losing Third Roundup Trial

May 13, 2019 – Oakland, California - - An Alameda jury in the case of Pilliod et al. v. Monsanto Company (Case No. RG17862702, JCCP No. 4953) [<https://www.baumhedlundlaw.com/pilliod-v-monsanto-trial/>](https://www.baumhedlundlaw.com/pilliod-v-monsanto-trial/) returned a verdict today of \$2.055 billion in favor of a husband and wife with non-Hodgkin lymphoma, ordering Monsanto to pay \$55 billion in compensatory damages and \$2 billion in punitive damages (\$1 billion each for Mr. and Mrs. Pilliod) for failing to warn consumers that exposure to Roundup weed killer causes non-Hodgkin lymphoma (NHL) [<https://www.baumhedlundlaw.com/toxic-tort-law/monsanto-roundup-lawsuit/>](https://www.baumhedlundlaw.com/toxic-tort-law/monsanto-roundup-lawsuit/) .

\$2.055 billion total verdict

Breakdown: \$55,206,172.80 compensatory and \$2 billion punitive

Alva Pilliod

Compensatory:

Past economic - \$47,296.01

Past non-economic loss - \$8M

Future non-economic loss - \$10M

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\$18,047,296.10

Punitive damages - \$1 billion

Alberta Pilliod

Compensatory:

Past economic - \$201,166.76

Past non-economic - \$8M

Future economic - \$2,957,710

Future non-economic - \$26M

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\$37,158,876.70

Punitive damages - \$1 billion

The verdict is the third in a row against Monsanto (now Bayer). Combined with the first two legal defeats (the Johnson v. Monsanto verdict of \$289.2M and the Hardeman v. Monsanto verdict of \$80M), verdicts against Monsanto in the Roundup cancer litigation now stand at \$2.424 billion with 13,400 cases still pending in state and federal courts. (Johnson's verdict was later reduced to \$78.5M but his verdict is on appeal.)

A press conference on today's landmark verdict will be held at the offices of Audet & Partners in San Francisco at 4:30 p.m. Plaintiffs Alva and Alberta Pilliod and their legal team will give statements on the verdict. A Q&A with the attorneys will follow. Details can be found below. We will also live stream this from our Facebook page.

### **Monsanto Loses Third Straight Roundup Cancer Trial**

Alva and Alberta Pilliod, a Livermore, California couple in their 70s, used Monsanto's Roundup weed killer together for more than 30 years to landscape their home and other properties. They were both diagnosed with the same type of NHL, diffuse large B-cell lymphoma (DLBCL), associated with Roundup exposure. In 2011, Alva was diagnosed with systemic NHL in many of his bones, which spread to his pelvis and spine. Alberta was diagnosed with NHL brain cancer in 2015.

In their Roundup cancer lawsuit, the couple attributed their cancer diagnoses on exposure to Roundup and its active ingredient, glyphosate, and accused Monsanto of fraudulently representing that Roundup is safe despite scientific evidence linking exposure to NHL.

At trial, attorneys for the Pilliods, Michael Miller of the Miller Firm <<https://millerfirmllc.com/about/attorneys/michael-j-miller/>> and R. Brent Wisner of Baum, Hedlund, Aristei & Goldman, showed jurors a trove of internal Monsanto documents <<https://www.baumhedlundlaw.com/attorneys/r-brent-wisner/>> & Goldman, showed jurors a trove of internal Monsanto documents <<https://www.baumhedlundlaw.com/toxic-tort-law/monsanto-roundup-lawsuit/monsanto-secret-documents/>> they say demonstrate the agrochemical giant's manipulation of scientific literature, including ghostwriting several review papers on glyphosate published in scientific journals and cited in Environmental Protection Agency (EPA) regulatory reviews.

The jury also saw documents showing Monsanto's efforts to influence EPA and other regulatory agencies, as well as evidence that Monsanto ran a public relations campaign to plant favorable stories in Reuters and other media outlets to defend its products and discredit scientists who determined glyphosate was linked to cancer.

During closing arguments, Wisner told the jury that Roundup was "born in fraud" because the agrochemical received EPA approval in 1974 based on studies conducted at Industrial Bio-Test Laboratories (IBT). A subsequent EPA review of the data found that IBT routinely falsified data. Three IBT executives were later convicted of fraud <<https://www.nytimes.com/1983/05/16/opinion/the-scandal-in-chemical-testing.html>> . According to Wisner, from that point on, Monsanto repeatedly refused to conduct studies on glyphosate and Roundup, even after the EPA and its own toxicologist told Monsanto that it needed to conduct more studies to address safety concerns.

After approximately 7 weeks of trial proceedings, the jury found that exposure to Roundup caused the Pilliods to develop NHL and that Monsanto failed to warn of this severe health hazard. Importantly, the jury also found that Monsanto acted with malice, oppression or fraud and should be punished for its conduct.

Since the Monsanto acquisition last summer and two negative jury verdicts, Bayer has lost more than \$30 billion in shareholder value.

Monsanto Co. continues to refuse to warn consumers of the dangers of its multi-billion-dollar product Roundup despite the world's foremost authority on cancer—the International Agency for Research on Cancer (IARC)—listing glyphosate as a probable carcinogen in 2015.

<<https://www.baumhedlundlaw.com/pilliod-v-monsanto-trial/#transcripts>>

Pilliod v. Monsanto Trial Transcripts

<<https://www.baumhedlundlaw.com/pilliod-v-monsanto-trial/#exhibits>>

Pilliod v. Monsanto Trial Exhibits

<<https://www.baumhedlundlaw.com/pdf/monsanto-documents/Pilliod/Pilliods-JURY-INSTRUCTIONS-without-citations.pdf>> Pilliod v. Monsanto Jury Instructions

Attorneys React to Verdict Against Monsanto

After the verdict, co-lead trial counsel R. Brent Wisner thanked the jury for dutifully listening to scientific evidence and testimony over the course

of several weeks. “They were given an incredibly difficult task having to analyze the highly-complex scientific issues in this case,” said Wisner. “They took detailed notes, asked incredibly thoughtful questions and in the end, came to understand that the science shows there are serious health hazards associated with Roundup and that Monsanto did nothing to warn people about the risk.”

“The jury saw for themselves internal company documents demonstrating that, from day one, Monsanto has never had any interest in finding out whether Roundup is safe,” Wisner said. “Instead of investing in sound science, they invested millions in attacking science that threatened their business agenda.”

Wisner also thanked everyone on the trial team, calling the victory a “true team effort that would not have been possible without the tenacity and resolve of everyone who worked on the case.”

Michael Miller, who served with Wisner as co-lead trial counsel added: “Unlike the first two Monsanto trials, where the judges severely limited the amount of plaintiffs’ evidence, we were finally allowed to show a jury the mountain of evidence showing Monsanto’s manipulation of science, the media and regulatory agencies to forward their own agenda despite Roundup’s severe harm to the animal kingdom and humankind.”

Roundup Cancer Attorneys in Pilliod v. Monsanto

A team of attorneys from three law firms represented the Pilliods in this trial: Michael Miller, Curtis G. Hoke, David J. Dickens and Jeffrey Travers of The Miller Firm <<https://millerfirmllc.com/>> of Orange, Virginia; R. Brent Wisner, Michael L. Baum and Pedram Esfandiary of Baum, Hedlund, Aristei <<https://www.baumhedlundlaw.com>> & Goldman of Los Angeles, California; and Mark Burton of Audet <<http://audetlaw.com/>> & Partners of San Francisco, California.

The Miller Firm and Baum, Hedlund, Aristei & Goldman co-trieed the case of Dewayne “Lee” Johnson v. Monsanto Co. <<https://www.baumhedlundlaw.com/toxic-tort-law/monsanto-roundup-lawsuit/dewayne-johnson-v-monsanto-company/>> , the first Monsanto Roundup lawsuit to proceed to trial. The case resulted in a \$289.2 million jury verdict last August. The judge later upheld the jury’s verdict but reduced the punitive damages award, bringing the total award to \$78.5 million.

Baum Hedlund partner, R. Brent Wisner, was also part of the Hardeman trial team (the second Roundup trial) conducted by Aimee Wagstaff of Andrus Wagstaff and Jennifer Moore of Moore Law in U.S. District Court for the Northern District of California (federal court). Mr. Wisner presented one of the key fact witnesses (Dr. Christopher Portier) and he cross-examined most of the corporate witnesses in Hardeman v. Monsanto Co. Wisner is also administrator and co-lead counsel for the Roundup Products Cases JCCP 4953 (known as the Roundup Judicial Council Coordination Proceedings or simply Roundup JCCP) before the California Superior Court for the County of Alameda (where he Pilliod trial occurred).

Baum Hedlund managing partner, Michael Baum, and a team working under him assisted the Hardeman trial team as members of the MDL Executive Committee by presenting and preparing experts, corporate testimony and documents for Hardeman v. Monsanto Co. Mr. Baum is also a member of the Executive Committee for the Monsanto Roundup MDL (federal multi-district litigation). Mr. Miller is a co-leader of the Roundup MDL Executive Committee.