

## Jurisdictional news



*Bad day for Monsanto/Bayer: 2 cases in the United States and France confirmed its liability*

### [Dewayne Johnson v. Monsanto](#)

The latest twist in the case between California gardener Dewayne Johnson and Monsanto came on October 21, 2020. The California Supreme Court of Justice rejected the company's application to overturn the decision of the State Court of Appeals, which held, as did the trial jury, that the company was indeed responsible for the non-Hodgkin's lymphoma (NHL) contracted by Dewayne Johnson following the use of Roundup glyphosate-based herbicide during his professional weed control activities in school grounds.

Dewayne Johnson was the first of thousands of Roundup plaintiffs with NHL to go to trial, because his NHL is in a life-threatening stage. [On August 10, 2018](#), the jury unanimously found that the use of Roundup directly induced Dewayne Johnson's lymphoma, that Monsanto failed to warn of this health hazard and therefore acted maliciously and that the company should be punished for its behavior, and it set compensatory and punitive damages at \$289.2 million. The judges subsequently reduced the punitive damages from \$250 million to \$39 million, but Monsanto, which has since been acquired by the German company Bayer, has been challenging this decision from appeal to appeal. The Supreme Court's decision is the final step in this process and cannot be revisited, setting Monsanto's liability in stone. The next step will be the final determination of the damages owed to Dewayne Johnson, who also challenged the judges' reduction of damages. Two other US lawsuits against Monsanto and Roundup, which have been tried since the Dewayne Johnson case, confirmed the company's liability and malice and requested considerable damages, prompting the company to propose a \$10 billion global settlement to compensate

Roundup victims awaiting trial and thus avoid the thousands of pending lawsuits, while maintaining that its product is safe for health!

### [Paul François v. Monsanto](#)

On the same day and along the same lines as in the Dewayne Johnson v. Monsanto case, the French Court of Cassation - the last resort French court - rejected Monsanto's appeal against the Lyon Court of Appeal's decision of April 11, 2019, which had found it in breach of its duty to provide information, as there was no information on the label on the risks associated with the inhalation of alachlor-based herbicide Lasso.

In 2004, Paul François had received the fumes of this herbicide on his face while cleaning a tank and was quickly overcome by nausea and then by several health problems (stuttering, dizziness, headaches, muscular problems...), which forced him to interrupt his activity for almost a year. Following the recognition of his illness as an occupational disease, the farmer attacked Monsanto in 2007, becoming the first farmer in the world to file a complaint against this big multinational corporation. Lasso has been banned in the same year because of its toxicity.

On February 13, 2012, Monsanto was found liable for the intoxication of Paul François, paving the way for damages. While it consistently contested its responsibility, from appeal to appeal and all the way to the court of cassation, each judgment in this jurisdictional odyssey of more than 14 years has confirmed Monsanto's responsibility. This judgment of the Court of Cassation of 21 October is final. The question of the amount of compensation must now be raised before the Lyon judicial court.