

'Momentum at Our Backs:' 2 Roundup Trials Set to Start Next Week Against Monsanto

Trials in Florida and Missouri begin next week over Monsanto's Roundup pesticide. Bayer, which owns Monsanto, has won the past five Roundup trials.

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Toxic Torts



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What You Need to Know

- Daniel DiMatteo and Juan Bauta, of The Ferraro Law Firm, will lead the Roundup trial in Fort Lauderdale, Florida.
- David Wool, of Wool Trial Law, has teamed with Bailey Glasser to handle the trial in St. Louis.
- Monsanto has turned to lawyers from McDermott, Will & Emery, Arnold & Porter and Bartlit Beck in the Roundup trials.



Monsanto goes back to the courtroom next week with trials over its Roundup pesticide set to begin in Florida and Missouri.

The trials are the sixth and seventh since Bayer, which owns Monsanto, agreed two years ago to pay \$10 billion to resolve an estimated 120,000 Roundup claims. About 30,000 remain, however, and in the past year Monsanto has won five trials.

On Monday, opening statements are set to begin in the first Roundup trial to take place in Florida.

“We definitely see momentum at our backs,” said Daniel DiMatteo, of the Ferraro Law Firm in Miami, which represents plaintiff Richard Wyzik, a 55-year-old father of two who was diagnosed in 2021 with non-Hodgkin lymphoma after using Roundup for two decades as a landscaper. “Given the pretrial rulings, given the compelling facts and compelling science behind all of this, we think we have a very compelling case.”

DiMatteo and partner Juan Bauta are leading the trial, which is set to take place in Broward County Circuit Court in Fort Lauderdale.

Anthony Upshaw, a Miami partner at McDermott, Will & Emery, and Pamela Yates, of Arnold & Porter in Los Angeles, represent Monsanto.

In Missouri, David Wool, of Wool Trial Law in Denver, and Bailey Glasser partners Christina Hutchins and D. Todd Mathews, both in Edwardsville, Illinois, teamed up to represent plaintiff Nathaniel Evans, who, according to the complaint, used Roundup for five years until he was diagnosed with non-Hodgkin lymphoma in 2016. Wool was on the trial team that won an \$80 million Roundup verdict in 2019, later reduced to \$25 million, in San Francisco federal court. None of the lawyers responded to requests for comment.

Bartlit Beck partners Phil Beck, Matt Brewer, Asha Spencer and Mark Ouweleen, all in Chicago, represent Monsanto in that trial, in St. Louis City Circuit Court.

Opening statements are scheduled for Tuesday.

In a statement, Bayer said: “Bayer has won five consecutive trials based on the extensive body of science and regulatory consensus worldwide that support Roundup’s safety, and is confident in its legal strategy.”

Two other trials in Missouri this year ended in defense verdicts, one on Sept. 1 in Clayton, involving three plaintiffs, and one on June 10 in Kansas City. Last year, Monsanto also won trials in Medford, Oregon and Los Angeles.

The defense wins contrast the first Roundup verdicts, all in California, which ended with jury awards of \$289 million, \$2 billion and \$80 million, Wool’s case, which also was the first bellwether trial in the Roundup multidistrict litigation.

The trials are moving ahead as Bayer lost three potential appeals, including two before the U.S. Supreme Court, aimed at wiping out the Roundup litigation on federal preemption.

The appeals were part of Bayer’s “five-point plan,” announced last year.

DiMatteo said he’s not dissuaded by Monsanto’s recent winning streak. He said one of the previous trials was held on Zoom, he said, and several cases had pretrial rulings unfavorable to the plaintiffs. His experts, on the other hand, will be testifying at trial.

“Mr. Wyzik’s story, the story of his family, is one of the more compelling cases,” DiMatteo said. “I’ve reviewed all the facts of the cases that have gone to trial. They’re all uniquely tragic and uniquely compelling, but, if there ever was a case worthy to go to trial, it’s this one.”

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