

First Federal Monsanto Roundup Trial Begins Monday in San Francisco

SAN FRANCISCO, CA, USA, February 21, 2019 /EINPresswire.com/ -- February 21, 2019, San Francisco, California -- The trial of Edwin Hardeman v. Monsanto Company (now Bayer) will begin with opening arguments on Monday, February 25, 2019 in U.S. District Court for the Northern District of California in San Francisco before Judge Vince Chhabria. Jury selection occurred February 20, 2019 - a panel of seven women and two men were chosen. The trial is expected to last a month.

Mr. Hardeman's case is the lead case of the federal multidistrict litigation (MDL) against Monsanto and the first of the group to proceed to trial. More than 1,600 cases in the MDL are pending before Judge Chhabria, all filed by plaintiffs who allege exposure to Monsanto's Roundup weed killer caused them to develop non-Hodgkin lymphoma (NHL).

Case. No. 4:16-cv-00525-DMR / MDL Case No. 3:16-md-02741-VC, Hardeman vs. Monsanto Company et al.

What:

Edwin Hardeman and his wife spent decades living in Sonoma County, California, on 56 acres of land once used as an exotic animal refuge. Mr. Hardeman started using Roundup products to treat poison oak, overgrowth, and weeds on his property in the 1980s and continued heavy spray activity through 2012. In February 2015, he was diagnosed with B-cell NHL, roughly a month before the International Agency for Research on Cancer (IARC) classified glyphosate, a key ingredient in Roundup, as a "probable human carcinogen."

Mr. Hardeman retained the law firm [Andrus Wagstaff](#) to represent him and filed a lawsuit against Monsanto on Feb. 12, 2016. The lawsuit alleges that exposure to Roundup was a substantial factor in causing Mr. Hardeman to develop NHL. Monsanto denies that Roundup caused Mr. Hardeman's cancer.

Judge Chhabria selected Mr. Hardeman's case as the first of hundreds of other federal Monsanto Roundup cancer cases to go before a jury. In January 2019, Judge Chhabria granted Monsanto's request to bifurcate the Hardeman trial.

Bifurcation creates two phases for trial. The first phase will only address evidence relevant to causation, specifically, whether or not Monsanto's Roundup herbicide significantly contributed to Mr. Hardeman developing NHL. If the jury finds that exposure to Roundup significantly contributed to Mr. Hardeman's cancer, they proceed to the second phase, focusing on Monsanto's knowledge, conduct and damages (both compensatory and punitive).

The following are some of the pre-trial hearings and motions in limine, which Judge Chhabria issued evidentiary rulings regarding what evidence may be presented to the jury:

Evidence allegedly showing that Monsanto engaged in ghostwriting scientific literature is excluded for Phase 1.

Monsanto's marketing materials are excluded for both phases of trial.

Comparisons between Monsanto and the tobacco industry are excluded.

Arguments that glyphosate is needed to "feed the world" is excluded for both phases.

Certain Environmental Protection Agency (EPA) documents will be restricted for Phase 1.

An analysis by the International Agency for Research on Cancer (IARC) classifying glyphosate as a probable human carcinogen is “restricted.”

[Aimee Wagstaff](#) of Andrus Wagstaff and Jennifer Moore of Moore Law Group represent Mr. Hardeman. Ms. Wagstaff is lead trial counsel. Brent Wisner of Baum, Hedlund, Aristei & Goldman, who served as co-lead counsel in the Dewayne “Lee” Johnson case that resulted in a landmark verdict against Monsanto, will conduct direct examination of Dr. Christopher Portier, one of the plaintiff’s star witnesses.

Dr. Portier was supposed to appear in court for the trial but recently suffered medical complications in Australia. His testimony will be recorded in Australia, where he is recovering.

Allegations

The lawsuit alleges Monsanto, among other things:

Failed to exercise ordinary care in designing, researching, testing, manufacturing, marketing, supplying, promoting, packaging, sale, testing, quality assurance, quality control, and/or distribution of Roundup and knew or should have known that using Roundup created a high risk of unreasonable, dangerous side effects, including, but not limited to, the development of NHL. Knew or had reason to know that Roundup was defective and unsafe, especially when used in the form and manner provided by Monsanto.

Failed to sufficiently test, investigate, or study its Roundup® products

Knew or should have known at the time of marketing its Roundup® products that exposure to Roundup® could result in cancer and other severe illnesses and injuries.

Did not conduct adequate post-marketing surveillance of its Roundup® products.

Could have provided the warnings or instructions regarding the full and complete risks of Roundup and glyphosate-containing products because it knew or should have known of the unreasonable risks of harm associated with the use of and/or exposure to such products.

The information that Monsanto did provide or communicate failed to contain adequate warnings and precautions that would have enabled Mr. Hardeman, and similarly situated individuals, to utilize the product safely and with adequate protection. Instead, Monsanto disseminated information that was inaccurate, false, and misleading and which failed to communicate accurately or adequately the comparative severity, duration, and extent of the risk of injuries associated with use of and/or exposure to Roundup and glyphosate; continued to promote the efficacy of Roundup, even after it knew or should have known of the unreasonable risks from use or exposure; and concealed, downplayed, or otherwise suppressed, through aggressive marketing and promotion, any information or research about the risks and dangers of exposure to Roundup and glyphosate.

Continued with their failure to adequately warn of the true risks of injuries associated with use of and exposure to Roundup.

Monsanto denies these and other allegations, insisting that Roundup is safe and does not cause cancer, including non-Hodgkin lymphoma.

Who:

Attorneys for the Plaintiff

From Andrus Wagstaff

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When:
Jury Selection occurred Wednesday, Feb. 20, 2019.
Trial begins Monday, Feb. 25, 2019, at 8:30 a.m.

Where:
U.S. District Court, Northern District of California
Judge Vince Chhabria
Courtroom 4
17th Floor

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