

U.S. Supreme Court Rejects Appeal By Monsanto In Victory for Roundup Cancer Victims

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In a significant win for cancer victims across the country, the Supreme Court of the United States today denied an appeal by chemical producer Bayer seeking review of an \$80 million Roundup verdict against Monsanto Corp. (which has since merged with Bayer). Leslie A. Brueckner, Bailey Glasser partner and co-lead of the firm's Appellate and Supreme Court practice team (then Senior Attorney with Public Justice), along with David Wool (formerly of Andrus Wagstaff, PC, now with Wool Trial Law LLC), Aimee Wagstaff of Wagstaff LLC, and Jennifer Moore (of Moore Law Group, PLLC) represented Edwin Hardeman, a man poisoned by Bayer's Roundup product, in opposing Bayer's petition for review.

"The Supreme Court just made history by denying Bayer's attempt to avoid accountability for its actions in harming Mr. Hardeman," said Bailey Glasser partner Leslie Brueckner. "The Ninth Circuit's decision that EPA's approval of Roundup's label does not preempt state failure-to-warn claims against Monsanto remains standing and will keep the courthouse doors open to those millions of consumers who continue to use Roundup across America."

"Monsanto wanted the Court to give it a green light to continue to sell Roundup without a cancer warning, even though the product has killed and injured tens-of-thousands of consumers nationwide," added Brueckner. "The Supreme Court just said no to that cynical strategy. It's a great day for Ed Hardeman and for Roundup victims nationwide."

In addition to this Supreme Court victory, the U.S. Court of Appeals for the Ninth Circuit on June 17, 2022, struck down an EPA determination related to glyphosate, an active ingredient in Roundup, on the basis that the EPA had failed to follow its very own Cancer Risk Assessment guidelines in finding that glyphosate is likely non-carcinogenic to humans. *NRDC et al. v. U.S. EPA*, 9th Cir. No. 20-70801 (June 17, 2022). Monsanto had been touting the flawed EPA finding as evidence that both glyphosate and Roundup are perfectly safe. But the Ninth Circuit has now clearly held that EPA's

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conclusions regarding glyphosate are so deeply flawed that a “reasonable mind” could not agree with the agency that glyphosate is safe for humans.

The Supreme Court’s rejection of Bayer’s appeal, combined with the Ninth Circuit’s rejection of EPA’s conclusions regarding glyphosate, is an important step toward ensuring that Roundup victims get their days in court and that Monsanto be held accountable for its deadly product.

Meanwhile, Brueckner, along with a Trial Team made up of David Wool and Bailey Glasser’s Brian Glasser, David Selby, Todd Mathews, Jackalyn A. Olinger Rochelle, and Christina Hutchins, is currently preparing to try the next Roundup case in St. Louis City. That case, currently set for trial in mid-July, will be the first case to be tried in Monsanto’s back yard. The case is *Nathaniel Evans v. Monsanto*, No. 1722-CC01372-01.

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