

Jury Awards Nearly \$218MM to Kansas Corn Producers In First Syngenta GMO Corn Class Action Lawsuit

June 23, 2017

A Kansas jury sided with Kansas corn producers, represented in part by William Chaney of Gray Reed & McGraw's Dallas office, in the first of eight certified state class action lawsuits involving the nation's corn growers' claims that Switzerland-based Syngenta's actions with its genetically modified strains of corn led to the loss of an important market for U.S. corn and causing them economic harm. After a half day of deliberation, the jury found Syngenta negligent and awarded \$217,700,000 in compensatory damages to the class of more than 7,000 Kansas corn growers, who were represented in the lawsuit by four Kansas corn producer plaintiffs. (*Five Star Farms et al v. Syngenta AG et al, No. 2:14-cv-02571*)

The Kansas plaintiffs alleged they suffered significant economic damages when Syngenta sold two genetically modified strains of its corn seed – Agrisure Viptera and Agrisure Duracade – to the U.S. market prior to China approving them. China, a major importer of U.S. corn, began refusing all shipments of U.S. corn in 2013 after a genetic trait found in Viptera - MIR162 - was detected in shipments from the United States. The genetic trait at the time was not approved in China. With the loss of the Chinese market, corn growers in Kansas and across the United States saw the price of corn plummet and suffered long-lasting economic damage, according to the lawsuit.

The plaintiffs were represented by Don Downing of Gray, Ritter & Graham, P.C., Scott Powell of Hare, Wynn, Newell & Newton, Patrick Stueve of Stueve Siegel Hanson LLP and William Chaney of Gray Reed & McGraw LLP.

“The verdict is great news for corn farmers in Kansas and corn growers throughout the country who were seriously hurt by Syngenta’s actions,” Chaney said. “This is only the beginning. We look forward to pursuing justice for thousands more corn farmers in the months ahead.”

The Kansas class action lawsuit, which began June 5, was heard in the U.S. District Court for the District of Kansas. It is the first of eight state class action lawsuits certified in this Multi-District Litigation so far. The other certified state class action lawsuits involve Arkansas, Missouri, Illinois, Iowa, Nebraska, Ohio, and South Dakota corn producers. Numerous other state class action lawsuits in this matter are awaiting certification.

Nationwide, losses to U.S. corn growers due to the loss of the Chinese market are estimated to exceed \$5 billion.

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