

## **Bayer Agrees to 'Watershed' Settlement in 7,000-Plaintiffs Rice Crop Contamination Litigation**

October 21, 2010

On Oct. 14, Bayer Crop Science finished the fourth day of a projected four-week bellwether trial in the 7,000-plaintiffs mass tort over its alleged contamination of the U.S. long-grain rice crop with an experimental strain of genetically modified rice. The case, involving a trio of Texas farmers (some of which were represented by Gray Reed & McGraw attorneys [William Chaney](#) and [Drew York](#)), was the last of four bellwether trials ordered by St. Louis federal district court judge Catherine Perry, who is overseeing the rice contamination multidistrict litigation. Each of the three preceding federal court bellwether trials, involving farmers from Missouri, Arkansas, Mississippi, and Louisiana, resulted in damages verdicts against Bayer of between \$500,000 and \$2 million.

The Texas trial, however, was the first in which Judge Perry ruled that the plaintiffs could present their case for punitive damages along with their case in chief. (Two previous federal court juries declined to award punies in bifurcated proceedings; in the federal trial involving Louisiana claims, plaintiffs weren't permitted under Louisiana law to request punitives.)

Judge Perry's ruling apparently made a difference to Bayer, which was previously socked with a \$42 million punitive damages verdict in an Arkansas state court trial of rice crop contamination claims. On Monday, Bayer and the three Texas plaintiffs announced a \$290,000 settlement--Bayer's first in the rice contamination litigation.

In addition to Gray Reed, the Texas farmers were represented at trial by the law firms of Wolf Haldenstein Adler Freeman & Herz; Gray, Ritter & Graham; and Neblett Beard & Arsenault.

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