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## Rice Farmers Win Second Critical Verdict in Case Against German Maker of Genetically Modified Rice

February 5, 2010

**Important Verdict for Rice Growers In Texas, Elsewhere;  
William Chaney of Gray Reed & McGraw Part Of Trial Team**

ST. LOUIS, MISSOURI – For the second time in three months, a Missouri jury Friday found Germany-based Bayer CropScience AG and two of its affiliates negligent in the second of several "bellwether trials" scheduled for the U.S. District Court for the Eastern District of Missouri, and awarded \$1.5 million to three long-grain rice farmers from Arkansas and Mississippi. Their crops and their livelihood, the jury determined, were harmed by Bayer's genetically modified rice. The jury also found Bayer AG liable.

This verdict is especially important to rice farmers in Texas as well as Louisiana as their trials are expected to begin in June of this year.

This suit, like the earlier one heard in November 2009, was brought on behalf of the three rice farmers based on economic damages they suffered from contamination of their crops by an unapproved genetically modified strain of rice seed produced by Bayer known as Liberty Link Rice. Discovery of this contamination and that of other rice farmers across the United States, led to a dramatic drop in U.S. rice prices, as the European Union stopped purchasing the U.S. rice. The farmers suffered market losses due to the much lower demand for their rice since 2006, when the contaminated rice was discovered, as well as damage to their land and equipment contaminated by Liberty Link Rice.

This trial, which began in January was the second of five scheduled "bellwether" – or test-trials scheduled by U.S. District Court Judge Catherine Perry that involves rice farmers in Missouri, Texas, Arkansas, Louisiana and Mississippi. These trials represent the first step Perry ordered in hearing the multi-district litigation involving some 6,000 rice farmers in those five states. St. Louis attorney Don Downing, of the firm Gray, Ritter & Graham, was the plaintiffs' attorney in this case and is the lead counsel for plaintiffs in the multi-district litigation.

[William Chaney](#) of the law firm of Gray Reed & McGraw in Dallas was a critical member of the legal team and represents clients in Texas Arkansas and Louisiana with similar claims, and serves on the plaintiffs' executive committee. [Drew York](#) of the firm also supported the trial team.

Following the verdict, Chaney issued this statement:



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First, and most importantly, we are very pleased with the jury's decision for Joe and Jim Penn, Jerry and Donna Catt and Gary Goode – and hope that it will help them, their families, and their family farming operations in Arkansas and Mississippi as they work to rebuild their livelihoods.

*This verdict – together with last December's verdict in the bellwether case brought by Missouri farmers Ken Bell and Johnny Hunter – means two juries have held Bayer's US and worldwide cropscience units, as well as Bayer AG, accountable for the unauthorized release of Liberty Link Rice. These clear verdicts vindicate the claims asserted by rice farmers, rice mills and rice exporters who continue to suffer huge market, property damage and other losses due to Bayer's negligence.*

*It has been a privilege to be part of the trial team in both trials, and we look forward to presenting and trying the claims of our many other clients in Texas, Louisiana and Arkansas who also have been damaged.*

*It has also been an honor to serve on the plaintiffs' executive committee for these multidistrict litigation cases and to try these two cases with lead counsel Don Downing from Gray Ritter & Graham; his partner, Gretchen Garrison; and co-counsel, Grant Davis from Davis Bethune and Jones and Scott Powell from Hare, Wynn, Newell, and Newton LLP. So many people have worked tirelessly in developing these cases over the past two and a half years, and I thank and congratulate each of them for their dedication and professionalism.*

### **About Gray Reed & McGraw**

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