

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

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

ST. LOUIS, MISSOURI – A Missouri jury found German-based Bayer CropScience AG and two of its affiliates negligent in the first of several "bellwether trials" scheduled for the U.S. District Court for the Eastern District of Missouri, and awarded over \$2 million to two Missouri long-grain rice farmers whose crops and their livelihood, the jury determined, were harmed by Bayer's genetically modified rice. The jury also found in the plaintiffs' favor against Bayer AG, the parent company of Bayer CropScience AG.

Ken Bell, of Bell City, Mo., was awarded \$1.95 million in compensatory damages, and fellow rice farmer John Hunter, of Essex, Mo., was awarded \$53,336 in compensatory damages.

The suit was brought on behalf of the two rice farmers based on damages they suffered from contamination of their crops by an unapproved genetically modified strain of rice seed produced by Bayer. Discovery of the contamination of the two Missouri rice farmers' supply 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 U.S. rice. The farmers suffered loss due to the much lower demand for their rice since 2006, when the contaminated rice was discovered.

This trial, which began Nov. 2, was the first 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 Judge 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 lead plaintiffs' attorney in this first case and is the court appointed plaintiffs' co-lead counsel 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 – including farmers, mills and exporters – in Texas, Louisiana, and Arkansas with similar claims, and has served on the court-appointed plaintiffs' executive committee. [Drew York](#) of the firm also supported the trial team.

"We're very pleased that the jury returned verdicts in favor of our clients, and their family farming operations. The verdicts are wonderful news for all rice farmers in Texas and



elsewhere who were victims of Bayer's conduct," said Chaney. "The jury spoke loud and clear that Bayer needs to do better." Chaney also stated that it was a privilege to try the case with Mr. Downing and his partner Gretchen Garrison as well as Grant Davis of the Kansas City law firm of Davis, Bethune & Jones, LLC.

The next test trial involving Bayer and rice farmers is scheduled for January 11, 2010 in the same federal courtroom and will include farmers from Arkansas and Mississippi. Trials for Texas and Louisiana growers are scheduled for next May and June, both also in St. Louis.

While the jury used the same formula in awarding compensatory damages to both plaintiffs, Bell's damages were higher because he planted significantly more acres of rice than Hunter and also incurred expenses to clean and clear his land and his machinery of any trace of the Bayer genetically modified rice.

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