
Three Leading Firms in \$750 Million Rice Settlement File Class Action Suits against Syngenta on Behalf of Corn Farmers in Twenty States

Firms Contend Syngenta Should be Held Accountable for Farmers' Economic Damages

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Three law firms that played a major role in a recent \$750 million settlement on behalf of U.S. rice farmers who suffered financially due to genetically modified rice seed have filed two class-action lawsuits on behalf of U.S. corn farmers now suffering similar economic losses from genetically modified corn.

The three firms filed their complaints on November 11 in federal court in St. Louis and Kansas City, Kan., and amended them today to include 20 states, making it the most comprehensive action taken on this issue to date. These 20 states represent 86 percent of the corn planted in the United States in 2014.

Gray, Ritter & Graham, P.C. of St. Louis, Gray Reed & McGraw of Texas and Hare Wynn Newell & Newton of Birmingham, AL filed their class-action lawsuits accusing Switzerland-based Syngenta of causing economic harm to corn growers after the company marketed two genetically modified strains of corn – Agrisure Viptera and Agrisure Duracade – that have been outlawed in China. China, a major importer of U.S. corn, began refusing shipments of U.S. corn one year ago after a genetic trait found in Viptera – MIR162 – was detected in the shipments.

With the loss of the Chinese market, prices for U.S. corn have plummeted. Earlier this year, losses to corn growers and the industry due to the loss of the Chinese market were estimated to be from \$1 billion to \$2.9 billion. The corn growers' financial losses continue to grow, the lawsuits allege.

This new multi-state lawsuit further alleges that the company was aware of the potential damages from its actions but sold the seeds with MIR162 anyway.

States With 86 Percent of U.S. Corn Acreage Represented

The 20 states included in these latest MIR162 class action lawsuits account for approximately 86 percent of all corn acres in the United States. They are:

- Alabama
- Arkansas

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- Colorado
 - Illinois
 - Indiana
 - Iowa
 - Kansas
 - Kentucky
 - Louisiana
 - Michigan
 - Minnesota
 - Mississippi
 - Missouri
 - Montana
 - Nebraska
 - North Dakota
 - Oklahoma
 - South Dakota
 - Tennessee
 - Wisconsin

The three firms anticipate that they will be representing farmers from other corn-producing states in the near future.

Similarities to Bayer Rice Litigation

The three firms previously worked closely in litigation against Bayer AG, which was found to be responsible for an unapproved strain of genetically modified rice making its way into U.S.

rice supplies. The European Union, a major market for U.S. rice, stopped buying U.S. rice due to the contamination, leading to a dramatic drop in the price of U.S. long grain rice. After multiple jury trials in which the three firms played a leading role, the litigation resulted in \$750 million in settlement payments to rice producers. Over \$270 million was paid to non-producer businesses that suffered loss due to contamination, bringing the total settlement payments to over \$1 billion.

Gray, Ritter & Graham attorney Don Downing, co-lead plaintiffs' counsel of the rice litigation, said, "This corn situation is, unfortunately, very similar to our previous rice litigation. U.S. corn growers are experiencing significant economic losses due to Syngenta's bringing its genetically modified corn to market prematurely. The company was well aware of the catastrophic financial harm their actions could bring to U.S. corn growers."

Holding Syngenta Accountable for Damage Already Done

In the rice case, Gray Reed represented both farmers and mills. William Chaney, of Gray Reed, and a member of the rice MDL plaintiffs' executive committee, said "Syngenta told the USDA and the corn industry stakeholders, including farmers, when it sought permission to sell its new GMO corn that introduction of MIR162 should not impact export markets and that it would take steps to prevent any problem. It was wrong and we believe Syngenta did not take the necessary steps. The farmers and the industry as a whole have been damaged and this suit seeks to hold Syngenta accountable for that damage. While recent media reports suggest China may now have approved MIR162, that final approval has not been confirmed. Regardless, we believe Syngenta should still be held accountable for the damage already done by Syngenta's premature commercialization of MIR162 and failure to channel it away from export markets that had not approved the trait as it promised."

The class action lawsuits currently filed are on behalf of U.S. corn farmers who did not grow Vipera or Duracade. "We are looking forward to representing the corn farming families of this country," said Scott Powell of Hare Wynn. "Through no fault of their own they are experiencing a disruptive and uncertain market for their corn that they have worked so hard to plant, cultivate and harvest. Their economic harm will continue until sales to China are back at levels that would have occurred absent Syngenta's conduct."

New Syngenta Corn Litigation Website

The firms have introduced a website specifically for those interested in learning more about these Vipera class action lawsuits against Syngenta and how corn growers can become a part of them: www.syngentacornlitigation.com

The case filed in U.S. District Court, Eastern District of Missouri (St. Louis) is Wilson Farm Inc. et al v. Syngenta AG et al, No.4:14-cv-01908. The case filed in U.S. District Court for the State of Kansas (Kansas City, Kan.) is Five Star Farms et al v. Syngenta AG et al, No.



2:14-cv-02571. The Judicial Panel on Multidistrict Litigation has recently ordered all cases against Syngenta to be consolidated in coordinated proceedings before the Honorable Judge John W. Lungstrum in the U.S. District Court for the District of Kansas (Kansas City). That venue was one of the choices of venues supported by the firms.