

News

BCLP APPELLATE TEAM SECURES WIN BARRING PUNITIVE DAMAGES IN FLORIDA

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A three-judge panel of the Florida Court of Appeals on June 11 ruled that a plaintiff cannot claim punitive damages in a suit against BCLP client Monsanto. This is the latest win in BCLP's long-running effort to curb some of the astronomical damages awarded in cases across the US alleging that Monsanto's Roundup herbicide causes cancer.

This win in the Third District Court of Appeals in Florida, taken alongside BCLP's similar November 2024 win in *Erickson*, will help shield Monsanto from punitive damages being awarded in Florida and significantly reduce the incentive plaintiffs have to take these cases to trial there.

In this most recent appellate win, plaintiff Lawrence Behar sued Monsanto (now Bayer), claiming that using the weed killer Roundup caused his cancer. He later sought to add a request for punitive damages, saying Monsanto acted badly by hiding risks associated with the active ingredient glyphosate and misleading the public. Monsanto argued that there's no proof it acted recklessly or knew Roundup was dangerous. It pointed to decades of studies and reviews by the EPA and other global agencies that found glyphosate, the main ingredient in Roundup, is not likely to cause cancer. While a lower court judge allowed Behar to move forward with his request for punitive damages, the appeals court disagreed with the trial judge, saying Behar didn't show enough evidence that Monsanto acted intentionally or recklessly.

In language that will likely echo throughout the Roundup litigation, the court held that "the record does not show that glyphosate is carcinogenic, Monsanto knew it was, and Monsanto intentionally sold its product without a warning label anyway." The court continued: "Monsanto reasonably relied on decades of scientific evidence ... Unsupported, salacious allegations, a scientific outlier, and isolated internal correspondence by mid-level employees – quoted out-of-context – simply do not meet the statutory requirements."

BCLP's team was led by Global Department Leader - Litigation & Investigations Lee Marshall (San Francisco), Partner Christian Poland (Chicago) and Associate Grant Glazebrook (St. Louis).

The firm continues to support Monsanto in active litigation and appeals in Roundup cases around the US.

MEET THE TEAM



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