

News

BCLP TEAM HELPS SECURE DEFENSE VERDICT IN FIRST ROUNDUP TRIAL SINCE SUPREME COURT RULING

Oct 30, 2026

A St. Louis County jury on Oct. 29 returned a unanimous defense verdict for BCLP client Monsanto (acquired by Bayer in 2018) in *Aretino, et al. v. Monsanto Company*, the first Roundup trial since the US Supreme Court's landmark decision in *Monsanto v. Durnell*.

Three plaintiffs alleged that Roundup caused their non-Hodgkin's lymphoma. In *Durnell*, decided in June, the Supreme Court held that federal pesticide law (FIFRA) expressly preempts state law failure-to-warn claims when the Environmental Protection Agency has made a definitive determination on product safety. Those claims had been a central theory in the Roundup litigation. With them off the table, the plaintiffs pursued design defect, negligence claims and fraud claims. The jury found for Monsanto on all of the claims brought by each of the plaintiffs.

This was the first time a jury considered whether the evidence could support design defect and negligence claims at trial after *Durnell*. The answer was a resounding no.

Bill Dodero, US General Counsel and Global Head of Litigation at Bayer, said in a press release that the verdict "should send a strong signal" that plaintiffs pursuing claims after *Durnell* "will face significant challenges both in demonstrating they have viable claims and putting forth the necessary evidence to prove them in court." You can read more details in [Bayer's release](#).

The BCLP team was led by Partner Justin Benson (Washington, D.C.). Slade Mendenhall (Atlanta) and Alexa Thein (Chicago) provided crucial support both before and during trial.

Before trial, BCLP's team successfully excluded a key plaintiffs' expert witness and achieved key rulings as part of the court's summary judgment order. During trial, the BCLP team moved for a directed verdict and the court granted the motion in part. In addition, BCLP achieved a key victory which led the court to preclude the jury from even considering whether to award punitive damages.

BCLP has represented Bayer and Monsanto for almost three decades across multiple practices and regions. Firm lawyers have served as appellate and legal briefing counsel in the client's most significant litigation, including Roundup cases.

In *Durnell*, BCLP's Roundup Appellate team, led by Global Department Leader – Litigation & Investigations Lee Marshall, developed the preemption arguments at issue. With Covington, the team helped create the circuit split the court resolved and identified the Missouri case selected for review. BCLP also worked on the winning brief alongside Covington and Clement & Murphy.

The relationship runs through the trial courts, too. Justin Benson was part of Monsanto's 2024 defense verdicts in Philadelphia. BCLP secured appellate wins for Monsanto in Florida and Missouri in 2025, and a federal court granted Monsanto full summary judgment in an East St. Louis PCB case in March 2026.

The decision in *Aretino* has brought extensive coverage, including by [The Wall Street Journal](#), [Law.com](#), [Bloomberg Law](#), [Reuters](#), [DW Global Media Forum](#), [Claims Journal](#) and [Yahoo! Finance](#).

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Meet the team



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