

"Unreasonable": Superior Court Judge Signals She's Going To Gut Glyphosate Cancer Judgment

By ACSH Staff — October 19, 2018



In a blow to trial lawyers hoping to profit from a sympathetic jury in San Francisco, not to mention organic trade groups and activists at the University of California San Francisco, Superior Court Judge Suzanne Bolanos has shown she is likely to grant Monsanto's request for a new trial in the case they lost brought by trial lawyers who claim a weedkiller which can only affect the shikimate pathway in plants somehow caused non-Hodgkin lymphoma in a human.

In the first trial, an attorney from Baum Hedlund Aristei Goldman assured jurors they would "change the world" if they found Monsanto liable. Brent Wisner painted a picture of terrified corporate executives lamenting a decision against them. suggesting the science community knows it is wrong and was worried about being caught. Though it was pure theater, it worked, and despite it being impossible for a weedkiller to have a cancerous effect on human biology, they awarded an alarming \$250,000,000 in punitive damages, because the left coast jury believed the company knew that the product could cause cancer and warned no one. And that seems to be what concerned Judge Bolanos, who noted there was no "clear and convincing evidence" of malice. Which is legalese for 'the jury got it wrong.'

In reality, the company would not warn people about cancer because it would be illegal. It is false advertising and they can't be compelled to lie on a label any more than they could claim Roundup cures cancer. The entire scientific community has proved glyphosate only acts in plants. The only group that suggests otherwise is a cabal of statisticians at the U.N., and one of them, Chris Portier, was outed as being a consultant for an activist group which was lobbying against glyphosate. He even signed a contract with trial lawyers out to sue over glyphosate before the IARC finding he helped manipulate was released. How did they know it would go in their favor? Critics believe Portier tipped them off so he could collect a check.

The ruling was scientifically an abomination but the behavior of the jury since has been even more bizarre. Three jurors have written the judge to tell her she would be wrong to overturn it, and have made numerous media appearances, which is uncharacteristically aggressive. But the lawyers, armed with a support network of trade groups for a sector that competes against companies like Monsanto, have made that part of their strategy. The fact that Organic Consumers Association, the trade group which provides the bulk of the funding behind Baum Hedlund allies U.S. Right To Know, is prominently egging on the jurors may be a concern for the judge.

"I have never heard of jurors after the fact picking a fight with the judge over judicial rulings," [said Dr. Val Giddings](#) [1], a senior fellow at the Information Technology and Innovation Foundation in Washington.

The plaintiff, Dewayne Johnson, contracted non-Hodgkin lymphoma and was convinced that sporadic use of glyphosate in the weedkiller Roundup caused it, but a study of 55,000 full-time agriculture workers who used the herbicide found no evidence it increased risk of cancers. The American Council on Science and Health submitted an amicus brief for the pro-science side.

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[1] <https://www.courthousenews.com/jurors-defend-289-million-roundup-cancer-verdict/>