

DRAFT - CLASS ACTION LAWSUIT:

Americans Affected by Glyphosate Exposure vs. Bayer AG and Monsanto Company

UNITED STATES DISTRICT COURT

[DISTRICT NAME, e.g., NORTHERN DISTRICT OF CALIFORNIA]

[CASE NO.]

BETWEEN:

**[Lead Plaintiff's Name], on behalf of herself/himself/themselves and all others
similarly situated,
Plaintiff(s),**

AND:

**BAYER AG,
MONSANTO COMPANY,
Defendant(s).**

CLASS ACTION COMPLAINT

TO THE HONORABLE COURT:

INTRODUCTION

1. This class action lawsuit is brought by [Lead Plaintiff's Name] on behalf of all persons in the United States who have been harmed by exposure to glyphosate-based herbicides manufactured, marketed, and sold by the Defendants, Bayer AG and Monsanto Company.
2. The Plaintiff(s) seek redress for personal injuries, economic losses, and other damages caused by the Defendants' wrongful conduct related to glyphosate-based products, including "Roundup."

PARTIES

3. **Plaintiff:**

- [Lead Plaintiff's Name], a resident of [City, State], who was exposed to glyphosate-based herbicides and subsequently developed [specific illness, e.g., non-Hodgkin's lymphoma].
 - [Any additional named plaintiffs, if applicable].
4. **Defendants:**
- **Bayer AG**, a global pharmaceutical and life sciences company headquartered in Leverkusen, Germany.
 - **Monsanto Company**, a subsidiary of Bayer AG, headquartered in St. Louis, Missouri, USA, and the original developer of glyphosate-based herbicides.

CLASS DEFINITION

5. The Plaintiff brings this action on behalf of herself/himself/themselves and all others similarly situated, defined as:
- All persons residing in the United States who, within the applicable statute of limitations, were exposed to glyphosate-based herbicides manufactured, distributed, or sold by the Defendants and suffered personal injury, illness, or other damages as a result.
6. Excluded from the Class are:
- The Defendants and their officers, directors, employees, subsidiaries, and affiliates.
 - The Court and its personnel.
 - Any person who timely opts out of the Class.

FACTUAL BACKGROUND

7. **Glyphosate and Roundup:**
- Glyphosate is the active ingredient in Roundup, a popular herbicide introduced by Monsanto in [Year]. It is widely used in agriculture, landscaping, and home gardening.
8. **Health Risks:**
- Studies, including those from the International Agency for Research on Cancer (IARC) and other institutions, have linked glyphosate exposure to serious health risks, including non-Hodgkin's lymphoma, reproductive harm, and neurodegenerative diseases.
9. **Environmental Impact:**
- Glyphosate has been found to contaminate soil and water, leading to ecosystem disruption and biodiversity loss, particularly affecting pollinators like bees and butterflies.
10. **Defendants' Knowledge and Conduct:**
- The Defendants were aware of the risks associated with glyphosate as early as [year], yet continued to market and sell the product without adequate warnings.

11. Plaintiff's Exposure and Injury:

- The Plaintiff(s) were exposed to glyphosate-based herbicides during [describe circumstances of exposure] and were diagnosed with [specific injury, e.g., non-Hodgkin's lymphoma] as a result.

CAUSES OF ACTION

Count I: Negligence

12. The Defendants had a duty to ensure their products were safe and to warn users of potential risks.
13. The Defendants breached this duty by failing to adequately test glyphosate and by continuing to market it as safe despite known risks.
14. The Plaintiff(s) suffered harm directly caused by the Defendants' negligence.

Count II: Strict Liability (Design Defect)

15. The glyphosate-based herbicides were defectively designed and posed unreasonable risks to users.
16. The Defendants are strictly liable for the injuries caused by these defective products.

Count III: Failure to Warn

17. The Defendants failed to provide sufficient warnings regarding the dangers of glyphosate exposure.
18. This failure directly resulted in the Plaintiff(s)' injuries and damages.

Count IV: Breach of Implied Warranty

19. The Defendants impliedly warranted that glyphosate-based herbicides were safe for their intended use.
20. The Plaintiff(s)' injuries are a result of the breach of this implied warranty.

Count V: Violation of Consumer Protection Laws

21. The Defendants engaged in unfair and deceptive practices in violation of [cite relevant state consumer protection statutes], by misrepresenting the safety of their products.

RELIEF SOUGHT

The Plaintiff(s) and the Class seek the following relief:

1. **Class Certification** as defined above.
2. **Compensatory Damages** for personal injuries, emotional distress, economic losses, and other damages, in an amount to be determined at trial.

3. **Punitive Damages** to punish the Defendants for their egregious and reckless conduct.
4. **Injunctive Relief** requiring the Defendants to:
 - Cease the sale and distribution of glyphosate-based herbicides in the United States.
 - Fund medical monitoring for the Plaintiff(s) and Class members.
 - Remediate environmental contamination caused by glyphosate.
5. **Attorneys' Fees and Costs** of the lawsuit.
6. **Any other relief** the Court deems just and proper.

JURY DEMAND

The Plaintiff(s) demand a trial by jury on all issues so triable.

Dated: [Date]

Respectfully Submitted,

[Plaintiff's Attorney's Name]

[Law Firm Name]

[Address]

[Phone Number]

[Email Address]

Filing Considerations:

1. **Jurisdiction:** The lawsuit should be filed in the appropriate U.S. District Court, preferably in a jurisdiction with favorable precedent or where significant exposure occurred.
 2. **Evidence Collection:** Gather medical records, scientific studies, and internal communications from Bayer/Monsanto that demonstrate the risks and the Defendants' knowledge.
 3. **Class Certification:** Prepare evidence to satisfy Rule 23 requirements for class certification, including commonality, typicality, and adequacy of representation.
 4. **Expert Testimony:** Engage experts in toxicology, epidemiology, and environmental science to substantiate the claims.
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This draft provides a foundational structure for the U.S. class action lawsuit, which must be tailored and reviewed by legal professionals to ensure compliance with federal and state laws.

