

DRAFT - CLASS ACTION LAWSUIT:

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

To draft a class action lawsuit for Canadians affected by glyphosate against Bayer (which acquired Monsanto), we need to outline the key components of the lawsuit, including the class definition, legal claims, factual background, and the relief sought. Below is a template to structure the complaint, which can be adapted to the specifics of the case.

IN THE SUPERIOR COURT OF [PROVINCE/TERRITORY]

[COURT FILE 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)**

NOTICE OF CIVIL CLAIM

TO: [Defendants' Names and Addresses]

INTRODUCTION

1. This action is brought by [Lead Plaintiff's Name] on behalf of all persons residing in Canada who have suffered harm as a result of exposure to glyphosate-based herbicides manufactured, distributed, and sold by the Defendants, Bayer AG and Monsanto Company.
2. The Plaintiff(s) seek relief for injuries, economic losses, and damages caused by the Defendants' wrongful conduct in the manufacture, marketing, and sale of glyphosate-based herbicides, including but not limited to the product known as "Roundup."

PARTIES

3. Plaintiff:

- [Lead Plaintiff's Name], a resident of [City, Province], Canada, who was exposed to glyphosate-based herbicides and subsequently developed [specify illness, e.g., non-Hodgkin's lymphoma].
- [Any additional named plaintiffs, if applicable].

4. Defendants:

- **Bayer AG**, a multinational 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 manufacturer of glyphosate-based herbicides.

CLASS DEFINITION

5. The Plaintiff brings this action on behalf of herself/himself/themselves and all others similarly situated, specifically:
 - All persons residing in Canada who, within [X] years prior to the filing of this action, were exposed to glyphosate-based herbicides manufactured, distributed, or sold by the Defendants and who suffered personal injury, illness, or other damages as a result of that exposure.
6. Excluded from the Class are:
 - Defendants and their officers, directors, employees, subsidiaries, and affiliates.
 - The Court and its personnel.
 - Any person who timely elects to be excluded from the Class.

FACTUAL BACKGROUND

7. Glyphosate and Roundup:

- Glyphosate is the active ingredient in Roundup, a widely used herbicide first introduced by Monsanto in [Year]. It is used in agricultural, residential, and commercial settings to kill weeds.

8. Health Risks:

- Numerous studies, including those conducted by [list relevant institutions, e.g., International Agency for Research on Cancer (IARC), Boise State University], have linked glyphosate exposure to severe health risks, including but not limited to cancer (e.g., non-Hodgkin's lymphoma), reproductive issues, and neurodegenerative disorders.

9. Environmental Impact:

- Glyphosate has been shown to persist in the environment, contaminating soil and water sources, and leading to biodiversity loss, particularly among pollinators like bees and butterflies.

10. Defendants' Knowledge and Conduct:

- The Defendants were aware of the health and environmental risks associated with glyphosate as early as [specify year based on evidence], yet they failed to adequately warn consumers and continued to market the product as safe.

11. Plaintiff's Exposure and Injury:

- The Plaintiff(s) were regularly exposed to glyphosate-based herbicides during [describe circumstances of exposure], leading to [specific injuries, e.g., diagnosis of non-Hodgkin's lymphoma].

CAUSES OF ACTION

The Plaintiff(s) allege the following causes of action against the Defendants:

Count I: Negligence

12. The Defendants owed a duty of care to the Plaintiff(s) and the Class to ensure that their products were safe for use.
13. The Defendants breached this duty by failing to properly test glyphosate for safety, failing to warn of the known risks, and continuing to market the product as safe.
14. As a direct and proximate result of the Defendants' negligence, the Plaintiff(s) suffered significant harm, including physical injury, emotional distress, and economic losses.

Count II: Strict Liability (Design Defect)

15. The glyphosate-based herbicides were defectively designed and inherently dangerous.
16. The Defendants are strictly liable for the damages caused by these defective products.

Count III: Failure to Warn

17. The Defendants failed to provide adequate warnings or instructions regarding the dangers of glyphosate exposure.
18. This failure directly resulted in the Plaintiff(s) being exposed to harmful levels of glyphosate, leading to their injuries.

Count IV: Breach of Implied Warranty

19. The Defendants impliedly warranted that their products were safe for their intended use.
20. The glyphosate-based herbicides were not safe, and their use led to the Plaintiff(s)' injuries, breaching the implied warranty.

Count V: Violation of Consumer Protection Laws

21. The Defendants engaged in unfair and deceptive practices in violation of [cite relevant provincial/territorial consumer protection statutes], by misrepresenting the safety of glyphosate-based herbicides.

RELIEF SOUGHT

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

1. **Certification of the Class** as defined above.
2. **Compensatory Damages** in an amount to be determined at trial for the personal injuries, emotional distress, and economic losses suffered by the Plaintiff(s) and the Class.
3. **Punitive Damages** to punish the Defendants for their willful, reckless, and egregious conduct.
4. **Injunctive Relief** requiring the Defendants to:
 - Cease the sale and distribution of glyphosate-based herbicides in Canada.
 - Fund medical monitoring for the Plaintiff(s) and the Class.
 - Clean up contaminated environmental sites in Canada.
5. **Costs of the Suit**, including reasonable attorneys' fees.
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:** Ensure the lawsuit is filed in the appropriate provincial or territorial court, depending on where the lead plaintiff resides and where the exposure occurred.

2. **Evidence Gathering:** Collect medical records, studies linking glyphosate to health issues, and internal documents from Bayer/Monsanto showing knowledge of risks.
 3. **Class Certification:** Prepare for a class certification process by demonstrating commonality, typicality, adequacy, and numerosity under the applicable provincial rules of civil procedure.
 4. **Expert Testimony:** Consider involving experts in toxicology, epidemiology, and environmental science to support the claims.
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This is a basic framework for the complaint. It is crucial that it be reviewed and adapted by legal professionals to meet the specific needs of the case and comply with Canadian legal standards.