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San Francisco Chronicle

Monsanto hit with \$2 billion verdict in Roundup cancer lawsuit trial

[Bob Egelko](#) May 13, 2019 Updated: May 13, 2019 4:03 p.m.

1 of 2 This Jan. 26, 2017, file photo shows containers of Roundup, a weed killer made by Monsanto, on a shelf at a hardware store in Los Angeles. Photo: Reed Saxon / Associated Press

2 of 2 FILE - In this Feb. 24, 2019, file photo, containers of Roundup are displayed on a store shelf in San Francisco. The Environmental Protection Agency is reaffirming that a popular weed killer is safe for users, even as legal claims mount from people who blame the herbicide for their cancer. The EPA's draft findings Tuesday, April 30, come Photo: Haven Daley / Associated Press

- An Oakland jury awarded a staggering \$2 billion-plus in damages Monday to a Bay Area couple who both came down with cancer after spraying Monsanto Co.'s widely used Roundup weed-killer on their properties for more than 30 years.

It's the third such verdict against Monsanto, all in Bay Area lawsuits, and by far the largest judgment against the company.

Alva Pilliod, 76, of Livermore was diagnosed with non-Hodgkin's lymphoma in 2011, and his wife, Alberta Pilliod, 74, was diagnosed in 2015. They had used Roundup to kill weeds on the grounds of three properties they owned in the area. Their lawyer estimated they sprayed 1,500 gallons of the herbicide in 30 years.

Doctors say both their cancers are in remission but could recur.

After less than two days of deliberations, an Alameda County Superior Court jury awarded each of them \$1 billion in punitive damages against Monsanto, with additional damages of \$37 million for Alberta Pilliod and \$18 million for her husband for pain and suffering and economic losses.

The couple's lawsuit was among the first of more than 13,000 cases nationwide to go to trial against the agrochemical giant. Monsanto, now a subsidiary of Bayer AG, denies that Roundup is dangerous and notes that it has been repeatedly found safe by the U.S. Environmental Protection Agency.

In August, a San Francisco Superior Court jury [awarded \\$289 million in damages](#) to former school groundskeeper Dewayne "Lee" Johnson of Vallejo, whose doctors say he may have less than a year to live because of non-Hodgkin's lymphoma. A judge later [reduced the award to \\$78.5 million](#). And in March, a federal court jury [awarded more than \\$80 million](#) to Edwin Hardeman of Sonoma County, who was diagnosed with the same often-lethal lymph node cancer after spraying the herbicide on his property in Forestville for more than 26 years.

In a statement Monday, Bayer said the latest verdict conflicts with "the consensus among leading health regulators worldwide that glyphosate-based products can be used safely and that glyphosate is not carcinogenic." Glyphosate is the active ingredient in Roundup, the world's most widely used herbicide.

The company is appealing the other two cases and said it would appeal Monday's verdict. At a minimum, the \$2 billion in punitive damages are almost certain to be reduced substantially, as the U.S. Supreme Court has ruled that damages to punish a defendant for malicious conduct should generally be no more than 10 times the damages awarded to compensate plaintiffs for their losses.

The International Agency for Research on Cancer, an arm of the World Health Organization, classified glyphosate as a probable cause of human cancer in 2015, but it remains legal in the United States and Europe.

"Juries informed by independent science have repeatedly rejected the Monsanto-promoted myth that glyphosate poses no cancer risks," Nathan Donley, a scientist at the Center for Biological Diversity, said Monday.

Lawyers for the Pilliods and other plaintiffs offered evidence that Monsanto was in close contact with the Environmental Protection Agency while the government studied glyphosate. They accused the company of "ghost-writing" scientific studies presented to the federal agency and with working alongside the EPA to undermine the International Agency for Research on Cancer's criticism.

In asking the jury for \$1 billion in punitive damages last week, plaintiffs' attorney Brent Wisner said Monsanto makes \$892 million a year in profit, and that a huge sum was needed to "punish the company for 45 years of lying to the public."

The company denied wrongdoing and told the jury that the Pilliods' cancer had other likely causes: Both of them had previously suffered other types of cancer that made them more vulnerable, and Alberta Pilliod was a longtime smoker.