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MONSANTO COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS
LIABILITY LITIGATION

MDL No. 2741
Case No. 3:16-md-02741-VC

This document relates to:

Reno Votta v. Monsanto Co.,
Case No. 3:17-cv-05574-VC

MONSANTO COMPANY’S ANSWER TO PLAINTIFF’S COMPLAINT

Pursuant to Rule 12 of the Federal Rules of Civil Procedure, Defendant Monsanto Company (“Monsanto”), by and through its counsel, respectfully responds by generally denying all allegations contained in plaintiff Reno Votta’s Complaint and Jury Demand (“the Complaint”), except as set forth below. As defined in the Complaint and as used in this Answer, Monsanto refers to Monsanto Company, a United States based company incorporated in Delaware, and not to other Monsanto-affiliated companies. Silence as to any allegations shall constitute a denial.

1. Monsanto admits that plaintiff purports to bring an action for damages allegedly related to exposure to Roundup[®]-branded products but denies any liability to plaintiff. Monsanto denies the remaining allegations in paragraph 1.
2. Monsanto denies the allegations in paragraph 2.
3. Monsanto denies the allegations in paragraph 3.

1 4. The allegations in paragraph 4 set forth conclusions of law for which no response
2 is required. To the extent that a response is deemed required, Monsanto admits the allegations in
3 paragraph 4 based upon the allegations in plaintiff's Complaint.

4 5. Monsanto admits the allegations in paragraph 5.

5 6. The allegations in paragraph 6 set forth conclusions of law for which no response
6 is required.

7 7. The allegations in the first sentence of paragraph 7 set forth conclusions of law for
8 which no response is required. Monsanto admits the allegations in the second sentence of
9 paragraph 7. In response to the allegations in the final sentence of paragraph 7, Monsanto denies
10 certain events giving rise to plaintiff's claims and Monsanto lacks information or knowledge
11 sufficient to form a belief as to the truth of the allegations regarding where certain other events
12 giving rise to plaintiff's claims occurred and therefore denies those allegations.

13 8. Monsanto denies that exposure to Roundup[®]-branded products did or could have
14 caused plaintiff's alleged non-Hodgkin's lymphoma. Monsanto lacks information or knowledge
15 sufficient to form a belief as to the truth of the remaining allegations in paragraph 8 and therefore
16 denies those allegations.

17 9. The allegations in paragraph 9 comprise attorney characterizations and are
18 accordingly denied. Monsanto states that the Roundup[®]-branded products identified by plaintiff
19 have a variety of separate and distinct uses and formulations.

20 10. Monsanto admits the allegations in paragraph 10.

21 11. The allegations in paragraph 11 comprise attorney characterizations and are
22 accordingly denied.

23 12. In response to the allegations in paragraph 12, Monsanto admits that it sells
24 Roundup[®]-branded products in Rhode Island.

25 13. Monsanto lacks information or knowledge sufficient to form a belief as to the
26 truth of the allegations in paragraph 13 and therefore denies those allegations.

27 14. The allegations in paragraph 14 are vague and conclusory and comprise attorney
28 characterizations and are accordingly denied.

1 15. The allegations in paragraph 15 are vague and conclusory and comprise attorney
2 characterizations and are accordingly denied.

3 16. Monsanto admits the allegations in paragraph 16.

4 17. Monsanto admits that it is authorized to do business in Rhode Island. The
5 remaining allegations in paragraph 17 are vague and conclusory and comprise attorney
6 characterizations and are accordingly denied.

7 18. The allegations in paragraph 18 set forth conclusions of law for which no
8 response is required.

9 19. Monsanto denies the allegations in paragraph 19.

10 20. Monsanto admits that it has designed, researched, manufactured, tested,
11 advertised, promoted, marketed, sold, and distributed Roundup[®]-branded products. The
12 remaining allegations in paragraph 20 set forth conclusions of law for which no response is
13 required.

14 21. Monsanto admits that it is an agricultural biotechnology corporation with a
15 principal place of business in St. Louis, Missouri. Monsanto admits that it and its affiliated
16 companies have operations and offices in countries around the world. Monsanto states that the
17 remaining allegations in paragraph 21 are vague and that it accordingly lacks information or
18 knowledge sufficient to form a belief as to the truth of the remaining allegations and therefore
19 denies those allegations.

20 22. Monsanto admits the allegations in paragraph 22.

21 23. Monsanto admits the allegations in paragraph 23.

22 24. Monsanto admits that glyphosate is an herbicide that is used to kill invasive plants
23 and weeds. Monsanto states that the remaining allegations in paragraph 24 are vague and
24 ambiguous and that it lacks information or knowledge sufficient to form a belief as to the truth of
25 the remaining allegations and therefore denies those allegations.

26 25. Monsanto admits that glyphosate's mode of action is targeting EPSP synthase.
27 The remaining allegations in paragraph 25 comprise attorney characterizations and are
28 accordingly denied.

1 26. Monsanto admits the allegations in paragraph 26.

2 27. Monsanto generally admits the allegations in paragraph 27, but denies the
3 allegations in paragraph 27 to the extent that they suggest that glyphosate is present in any plants
4 at anything other than *de minimis* amounts well within regulatory safety levels, as determined by
5 the United States Environmental Protection Agency (“EPA”).

6 28. Monsanto lacks information or knowledge sufficient to form a belief as to the
7 truth of the allegations in paragraph 28 and therefore denies those allegations.

8 29. Monsanto admits that it is the leading producer of seeds that contain the Roundup
9 Ready[®] trait and that use of crops with the Roundup Ready[®] trait substantially improve a
10 farmer’s ability to control weeds. Monsanto lacks information or knowledge sufficient to form a
11 belief as to the accuracy of the specific numbers and statistics provided in the remaining
12 sentences of paragraph 29 and therefore denies those allegations. Monsanto denies the
13 remaining allegations in paragraph 29.

14 30. Monsanto admits the allegations in paragraph 30.

15 31. Monsanto admits that Roundup[®]-branded products have been used by farmers for
16 approximately 40 years. Monsanto denies that Roundup[®]-branded products have carcinogenic
17 properties and denies the remaining allegations in paragraph 31.

18 32. The allegations in paragraph 32 set forth conclusions of law for which no
19 response is required. To the extent that a response is deemed required, Monsanto admits the
20 allegations in paragraph 32.

21 33. In response to the allegations in paragraph 33, Monsanto admits that EPA requires
22 registrants of herbicides to submit extensive data in support of the human health and
23 environmental safety of their products and further admits that EPA will not register or approve
24 the labeling of herbicides that do not satisfy the requirements set forth in the Federal Insecticide,
25 Fungicide, and Rodenticide Act (“FIFRA”). The remaining allegations in paragraph 33 set forth
26 conclusions of law for which no response is required.

27 34. The allegations in paragraph 34 set forth conclusions of law for which no
28 response is required.

1 35. Monsanto admits that Roundup[®]-branded products are registered by EPA for
2 manufacture, sale and distribution.

3 36. In response to the allegations in paragraph 36, Monsanto admits that EPA requires
4 registrants of herbicides to submit extensive data in support of the human health and
5 environmental safety of their products and further admits that EPA will not register or approve
6 the labeling of herbicides that do not satisfy the requirements set forth in FIFRA. Monsanto
7 states that the term “the product tests” in the final sentence of paragraph 36 is vague and
8 ambiguous, and Monsanto therefore denies the same. The remaining allegations in paragraph 36
9 set forth conclusions of law for which no answer is required.

10 37. Monsanto denies the allegations in paragraph 37 to the extent that they suggest
11 that EPA only evaluates the safety of pesticide products on the date of their initial registration.
12 Monsanto admits that EPA is in the process of conducting regulatory review of various pesticide
13 products, but Monsanto lacks information or knowledge sufficient to form a belief as to the truth
14 of the allegations in paragraph 37 regarding such pesticide products generally and therefore
15 denies those allegations. The remaining allegations in paragraph 37 set forth conclusions of law
16 for which no response is required.

17 38. In response to the allegations in paragraph 38, Monsanto admits that EPA has
18 undertaken a regulatory review of glyphosate and further admits that EPA has not released its
19 findings. Monsanto states, however, that: (a) in September 2016, EPA’s Office of Pesticide
20 Programs (“OPP”) issued a 227-page evaluation of glyphosate’s carcinogenic potential,
21 concluding that “[t]he strongest support is for [the descriptor] ‘not likely to be carcinogenic to
22 humans’ at doses relevant to human health risk assessment”¹; and (b) at the same time, EPA
23 posted an October 2015 final report by its standing Cancer Assessment Review Committee
24 (“CARC”), in which CARC endorsed EPA’s existing classification of glyphosate as “Not Likely

25 _____
26 ¹ EPA’s Office of Pesticide Programs, *Glyphosate Issue Paper: Evaluation of Carcinogenic*
27 *Potential* at 141 (Sept. 12, 2016) (“EPA OPP Report”), [https://www.regulations.gov/](https://www.regulations.gov/document?D=EPA-HQ-OPP-2016-0385-0094)
28 [document?D=EPA-HQ-OPP-2016-0385-0094](https://www.regulations.gov/document?D=EPA-HQ-OPP-2016-0385-0094). The EPA OPP Report was prepared in
anticipation of an EPA Scientific Advisory Panel meeting on glyphosate’s carcinogenic
potential.

1 to be Carcinogenic to Humans.”² Monsanto lacks information or knowledge sufficient to form a
2 belief as to the truth of the remaining allegations in paragraph 38 and therefore denies those
3 allegations.

4 39. In response to the allegations in paragraph 39, Monsanto admits that the New
5 York Attorney General filed a lawsuit against Monsanto in 1996 alleging false and misleading
6 advertising of Roundup[®]-branded products. This lawsuit was subsequently resolved without any
7 admission of wrongdoing by Monsanto. Monsanto states that none of the New York Attorney
8 General’s allegations related in any way to a purported or alleged risk of cancer. To the extent
9 the subparts purport to quote a document, the document speaks for itself and thus does not
10 require any further answer. The remaining allegations in paragraph 39 are vague and conclusory
11 and comprise attorney characterizations and are accordingly denied.

12 40. In response to the allegations in paragraph 40, Monsanto admits it entered into an
13 assurance of discontinuance with the New York Attorney General. The assurance speaks for
14 itself and thus does not require any further answer. The remaining allegations in paragraph 40
15 are vague and conclusory and comprise attorney characterizations and are accordingly denied.

16 41. Monsanto denies the allegations in paragraph 41.

17 42. In response to the allegations in paragraph 42, Monsanto admits that the French
18 court ruled that Monsanto had falsely advertised its herbicide Roundup[®] as “biodegradable” and
19 that it “left the soil clean,” but denies the allegations in paragraph 42 to the extent that they
20 suggest that this ruling was in any way related to plaintiff’s claim here that glyphosate can cause
21 cancer. Monsanto denies the remaining allegations in paragraph 42.

22 43. Monsanto denies the allegations in paragraph 43.

23 44. In response to the allegations in paragraph 44, Monsanto states that the cited
24 document speaks for itself and does not require a response. To the extent that the allegations in
25

26 ² Cancer Assessment Review Committee, Health Effects Division, Office of Pesticide Programs,
27 U.S. Environmental Protection Agency, *Cancer Assessment Document – Evaluation of the*
28 *Carcinogenic Potential of Glyphosate* at 10, 77 (Final Report, Oct. 1, 2015) (“EPA CARC Final
Report”), <https://www.regulations.gov/document?D=EPA-HQ-OPP-2016-0385-0014>.

1 paragraph 44 go beyond a restatement of the cited document, Monsanto lacks information or
2 knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 44
3 and therefore denies those allegations.

4 45. Monsanto admits the allegations in paragraph 45.

5 46. In response to the allegations in paragraph 46, Monsanto states that the cited the
6 document speaks for itself and does not require a response. To the extent that the allegations in
7 paragraph 46 go beyond a restatement of the cited document, Monsanto lacks information or
8 knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 46
9 and therefore denies those allegations.

10 47. Monsanto states that the term “toxic” as used in paragraph 47 is vague and
11 ambiguous to the extent it is intended to suggest any evidence of carcinogenicity. Monsanto
12 denies the allegations in paragraph 47.

13 48. Monsanto admits the allegations in paragraph 48.

14 49. In response to the allegations in paragraph 49, Monsanto states that the document
15 speaks for itself and does not require a response. To the extent that a response is deemed
16 required, Monsanto denies the allegations in paragraph 49.

17 50. In response to the allegations in paragraph 50, Monsanto admits that Julie Marc
18 published a study entitled “Glyphosate-based pesticides affect cell cycle regulation” in 2004. To
19 the extent that paragraph 50 characterizes the meaning of the cited study, Monsanto denies the
20 remaining allegations in paragraph 50.

21 51. In response to the allegations in paragraph 51, Monsanto states that these
22 documents speak for themselves and do not require a response. To the extent that a response is
23 deemed required, Monsanto denies the allegations in paragraph 51.

24 52. In response to the allegations in paragraph 52, Monsanto states that the cited
25 document speaks for itself and does not require a response. To the extent that paragraph 52
26 characterizes the meaning of the cited study, Monsanto denies the remaining allegations in
27 paragraph 52.

28 53. Monsanto denies the allegations in paragraph 53.

1 54. In response to the allegations in paragraph 54, Monsanto states that the cited
2 document speaks for itself and does not require a response. To the extent that paragraph 54
3 characterizes the meaning of the cited study, Monsanto denies the remaining allegations in
4 paragraph 54.

5 55. In response to the allegations in paragraph 55, Monsanto states that the cited
6 document speaks for itself and does not require a response. To the extent that paragraph 55
7 characterizes the meaning of the cited study, Monsanto denies the remaining allegations in
8 paragraph 55.

9 56. Monsanto denies the allegation that the cited studies support the allegation that
10 glyphosate or Roundup[®]-branded products pose any risk to human health and denies the
11 remaining allegations in paragraph 56.

12 57. Monsanto denies the allegations in paragraph 57.

13 58. Monsanto denies the allegations in paragraph 58.

14 59. Monsanto denies the allegations in paragraph 59.

15 60. Monsanto denies the allegations in paragraph 60.

16 61. Monsanto admits that it has in the past promoted, and continues to promote,
17 Roundup[®]-branded herbicides as safe when used in accordance with the products' labeling.
18 Monsanto denies the remaining allegations in paragraph 61.

19 62. Monsanto admits that the International Agency for Research on Cancer ("IARC")
20 is a subgroup of the World Health Organization ("WHO") of the United Nations. Monsanto
21 lacks information or knowledge sufficient to form a belief as to the truth of the remaining
22 allegations in paragraph 62 and therefore denies those allegations.

23 63. Monsanto lacks information or knowledge sufficient to form a belief as to the
24 truth of the allegations in paragraph 63 and therefore denies those allegations. Monsanto denies
25 that glyphosate met the criteria necessary to be eligible for review.

26 64. Monsanto lacks information or knowledge sufficient to form a belief as to the
27 truth of the allegations in paragraph 64 and therefore denies those allegations. Monsanto denies
28 that glyphosate met the criteria necessary to be eligible for review.

1 65. Monsanto admits that in March 2015 IARC classified glyphosate as a class 2A
2 carcinogen. Monsanto specifically denies that IARC’s evaluation of human, animal or genotoxic
3 evidence was “cumulative.” The remaining allegations in paragraph 65 are vague and
4 conclusory and comprise attorney characterizations and are accordingly denied.

5 66. Monsanto admits that the full IARC Monograph regarding glyphosate was
6 published on July 29, 2015 and that the Monograph purported to classify glyphosate as a class
7 2A carcinogen. In response to the remaining allegations in paragraph 66, Monsanto states that
8 the document speaks for itself and does not require a response. To the extent that a response is
9 deemed required, the remaining allegations in paragraph 66 comprise attorney characterizations
10 and are accordingly denied.

11 67. In response to the allegations in paragraph 67, Monsanto states that the document
12 speaks for itself and does not require a response. To the extent that a response is deemed
13 required, the allegations in paragraph 67 comprise attorney characterizations and are accordingly
14 denied.

15 68. In response to the allegations in paragraph 68, Monsanto states that the document
16 speaks for itself and does not require a response. To the extent that a response is deemed
17 required, the allegations in paragraph 68 comprise attorney characterizations and are accordingly
18 denied.

19 69. Monsanto denies the allegations in paragraph 69.

20 70. The allegations in paragraph 70 comprise attorney characterizations and are
21 accordingly denied.

22 71. Monsanto admits the allegations in paragraph 71.

23 72. In response to the allegations in paragraph 72, Monsanto states that the cited
24 document speaks for itself and does not require a response. To the extent that paragraph 72
25 characterizes the meaning of the cited study, Monsanto denies the remaining allegations in
26 paragraph 72.

27 73. In response to the allegations in paragraph 73, Monsanto admits that certain
28 studies have reported that glyphosate and glyphosate-based formulations induced oxidative stress

1 under artificial experimental conditions. Monsanto denies that these studies provide any reliable
2 evidence that glyphosate or glyphosate-based formulations induce oxidative stress in humans or
3 animals under real-world exposure conditions. Monsanto denies the remaining allegations in
4 paragraph 73.

5 74. The allegations in paragraph 74 are vague and ambiguous and are accordingly
6 denied.

7 75. In response to the allegations in paragraph 75, Monsanto states that the cited
8 document speaks for itself and does not require a response.

9 76. In response to the allegations in paragraph 76, Monsanto states that the cited
10 document speaks for itself and does not require a response. To the extent that paragraph 76
11 characterizes the meaning of the cited study, Monsanto denies the remaining allegations in
12 paragraph 76.

13 77. Monsanto denies the allegations in paragraph 77.

14 78. In response to the allegations in paragraph 78, Monsanto states that the cited
15 document speaks for itself and does not require a response. Monsanto otherwise denies the
16 allegations in paragraph 78.

17 79. Monsanto admits that there is no reliable evidence that Roundup[®]-branded
18 products are genotoxic and that regulatory authorities and independent experts agree that
19 Roundup[®]-branded products are not genotoxic. Monsanto otherwise denies the allegations in
20 paragraph 79.

21 80. Monsanto denies the allegations in paragraph 80.

22 81. Monsanto denies the allegations in paragraph 81.

23 82. Monsanto denies the allegations in paragraph 82.

24 83. Monsanto admits that in 1985 EPA reviewed a regulatory study involving mice
25 exposed to glyphosate. Monsanto denies the remaining allegations in paragraph 83.

26 84. Monsanto denies the allegations in paragraph 84.

27 85. Monsanto denies the allegations in paragraph 85.

28 86. Monsanto admits the allegations in paragraph 86.

1 87. Monsanto denies the allegations in paragraph 87.

2 88. Monsanto admits the allegations in paragraph 88.

3 89. Monsanto denies the allegations in paragraph 89.

4 90. Monsanto denies the allegations in paragraph 90.

5 91. Monsanto denies the allegations in paragraph 91.

6 92. Monsanto denies the allegations in paragraph 92.

7 93. Monsanto denies the allegations in paragraph 93.

8 94. Monsanto denies the allegations in paragraph 94.

9 95. Monsanto denies the allegations in paragraph 95.

10 96. Monsanto admits that independent experts and regulatory agencies agree that
11 there is no evidence of carcinogenicity or genotoxicity in glyphosate and Roundup[®]-branded
12 products and admits that it has made statements reflecting this fact. Monsanto denies the
13 remaining allegations in paragraph 96.

14 97. In response to the allegations in paragraph 97, Monsanto admits that it has stated
15 and continues to state that Roundup[®]-branded products are safe when used as labeled and that
16 they are non-carcinogenic and non-genotoxic. Monsanto otherwise denies the allegations in
17 paragraph 97.

18 98. In response to the allegations in paragraph 98, Monsanto admits that an EPA
19 review committee classified glyphosate as Class C in 1985 based on limited data. Monsanto
20 denies the remaining allegations in paragraph 98.

21 99. In response to the allegations in paragraph 99, Monsanto admits that EPA
22 changed its classification of glyphosate to Group E based upon a full evaluation of the scientific
23 evidence, including but not limited to three animal carcinogenicity studies. Monsanto otherwise
24 denies the remaining allegations in paragraph 99.

25 100. In response to the allegations in paragraph 100, Monsanto admits that plaintiff has
26 accurately quoted from one passage in an EPA document in 1991 with respect to the designation
27 of an agent as Group E, but states that EPA repeatedly has concluded that glyphosate does not
28

1 pose any cancer risk to humans. In addition to the conclusions in the EPA OPP Report and the
2 EPA CARC Final Report discussed above, other specific findings of safety include:

- 3 • “In June 1991, EPA classified glyphosate as a Group E [carcinogen]—one that shows
4 evidence of non-carcinogenicity for humans—based on the lack of convincing
5 evidence of carcinogenicity in adequate studies.” EPA, *Glyphosate: Reregistration
6 Eligibility Decision (RED) Facts*, 2 (Sept. 1993),
7 <http://archive.epa.gov/pesticides/reregistration/web/pdf/0178fact.pdf>.
- 8 • “No evidence of carcinogenicity.” *Glyphosate; Pesticide Tolerances*, 67 Fed. Reg.
9 60,934, 60,943 (Sept. 27, 2002) (to be codified at 40 C.F.R. pt. 180).
- 10 • “Glyphosate has no carcinogenic potential.” *Glyphosate; Pesticide Tolerance*, 69
11 Fed. Reg. 65,081, 65,086 (Nov. 10, 2004) (to be codified at 40 C.F.R. pt. 180).
- 12 • “There is [an] extensive database available on glyphosate, which indicate[s] that
13 glyphosate is not mutagenic, not a carcinogen, and not a developmental or
14 reproductive toxicant.” *Glyphosate; Pesticide Tolerances*, 73 Fed. Reg. 73,586,
15 73,589 (Dec. 3, 2008) (to be codified at 40 C.F.R. pt. 180).
- 16 • “EPA has concluded that glyphosate does not pose a cancer risk to humans.”
17 *Glyphosate; Pesticide Tolerances*, 78 Fed. Reg. 25,396, 25,398 (May 1, 2013) (to be
18 codified at 40 C.F.R. pt. 180).
- 19 • “In 2014, EPA reviewed over 55 epidemiological studies conducted on the possible
20 cancer and non-cancer effects of [g]lyphosate. Our review concluded that this body
21 of research does not provide evidence to show that [g]lyphosate causes cancer and
22 does not warrant any change in EPA’s cancer classification for [g]lyphosate.”
23 *Agriculture Biotechnology: A Look at Federal Regulation and Stakeholder
24 Perspectives: Hearing Before the S. Comm. on Agr., Nutrition, & Forestry*, 114th
25 Cong. (2015) (statement of Dr. William Jordan, Deputy Director of EPA’s Office of
26 Pesticide Programs), [http://www.ag.senate.gov/templates/watch.cfm?id=74793e67-
27 5056-a055-64af-0e55900753b4](http://www.ag.senate.gov/templates/watch.cfm?id=74793e67-5056-a055-64af-0e55900753b4), at time stamp 55:05 – 56:20 (“EPA 2015 Desk
28 Statement”).

19 Monsanto denies the remaining allegations in paragraph 100.

20 101. In response to the allegations in paragraph 101, Monsanto admits that it – along
21 with a large number of other companies and governmental agencies – was defrauded by two
22 chemical testing laboratories, and that Monsanto had hired both of these laboratories to conduct
23 testing on glyphosate. Monsanto states that only one of these laboratories was hired to conduct
24 toxicity tests of glyphosate. Monsanto denies that EPA’s registration of glyphosate or any
25 glyphosate-based herbicides is based upon any invalid Industrial Bio-Test (“IBT”) Laboratories
26 studies. To the extent that the allegations in paragraph 101 are intended to suggest that
27 Monsanto was anything other than a victim of this fraud, such allegations are denied.

1 102. In response to the allegations in paragraph 102, Monsanto admits that IBT
2 Laboratories was hired to conduct toxicity studies in connection with the registration of a
3 Roundup[®]-branded product. Monsanto denies that EPA's regulatory approval of such product is
4 based upon any fraudulent or false IBT studies.

5 103. Monsanto denies the allegations in paragraph 103 to the extent they suggest that
6 EPA performed an inspection of IBT Laboratories solely or specifically in connection with
7 studies conducted on glyphosate. Monsanto admits that EPA performed an audit of IBT
8 Laboratories to investigate that laboratory's fraudulent and/or improper testing procedures in
9 connection with services provided to a broad number of private and governmental entities and
10 that this inspection included a review of studies IBT conducted on glyphosate. Monsanto was
11 one of several pesticide manufacturers who had used IBT test results. The audit found some
12 toxicology studies conducted with the original Roundup[®] herbicide to be invalid. As a result,
13 Monsanto repeated all required studies in accordance with applicable EPA testing guidelines.
14 Monsanto denies that EPA's registration of glyphosate or any glyphosate-based herbicides is
15 based upon any invalid IBT studies. To the extent that the allegations in paragraph 103 are
16 intended to suggest that Monsanto was anything other than a victim of this fraud, Monsanto
17 denies those allegations.

18 104. In response to the allegations in paragraph 104, Monsanto admits that three IBT
19 employees were convicted of the charge of fraud, but Monsanto denies that any of the
20 individuals were convicted based upon studies conducted on glyphosate or glyphosate-based
21 herbicides.

22 105. In response to the allegations in paragraph 105, Monsanto admits that it – along
23 with numerous other private companies – hired Craven Laboratories as an independent
24 laboratory to conduct residue studies for Monsanto agricultural products. Monsanto otherwise
25 denies the remaining allegations in paragraph 105.

26 106. In response to the allegations in paragraph 106, Monsanto admits that EPA
27 investigated Craven Laboratories in March 1991 for fraud. To the extent that the allegations in
28

1 paragraph 106 are intended to suggest that Monsanto was anything other than a victim of this
2 fraud, Monsanto denies those allegations.

3 107. In response to the allegations in paragraph 107, Monsanto admits that it was
4 defrauded by Craven Laboratories and that, as a result, Monsanto repeated the studies conducted
5 at Craven Laboratories at a substantial cost. To the extent that the allegations in paragraph 107
6 are intended to suggest that Monsanto was anything other than a victim of this fraud, Monsanto
7 denies those allegations.

8 108. In response to the allegations in paragraph 108, Monsanto admits that it has stated
9 and continues to state that Roundup[®]-branded products are safe when used as labeled and that
10 they are non-carcinogenic and non-genotoxic.

11 109. In response to the allegations in paragraph 109, Monsanto admits that a 1986 joint
12 report of the World Health Organization and Food and Agriculture Organization of the United
13 Nations is cited in support of the safety of glyphosate and Roundup[®]-branded products.
14 Monsanto denies that this report is the “primary” cite in support of the safety of glyphosate and
15 Roundup[®]-branded products, and denies that WHO considers glyphosate to be a probable
16 carcinogen. Monsanto denies the remaining allegations in paragraph 109.

17 110. Monsanto denies the allegations in paragraph 110.

18 111. Monsanto denies the allegations in paragraph 111.

19 112. Monsanto denies the allegations in paragraph 112.

20 113. Monsanto denies the allegations in paragraph 113.

21 114. Monsanto denies the allegations in paragraph 114.

22 115. Monsanto denies the allegations in paragraph 115.

23 116. Monsanto denies the allegations in paragraph 116.

24 117. Monsanto denies the allegations in paragraph 117.

25 118. Monsanto admits that plaintiff purports to bring an action for compensatory
26 damages but denies any liability to plaintiff. Monsanto denies the remaining allegations in
27 paragraph 118.

28 119. Monsanto denies the allegations in paragraph 119.

1 120. Monsanto denies the allegations in paragraph 120.

2 121. Monsanto lacks information or knowledge sufficient to form a belief as to the
3 truth of the allegations in paragraph 121 and therefore denies those allegations.

4 122. Monsanto lacks information or knowledge sufficient to form a belief as to the
5 truth of the allegations in paragraph 122 and therefore denies those allegations.

6 123. Monsanto lacks information or knowledge sufficient to form a belief as to the
7 truth of the allegations in the first sentence of paragraph 123 and therefore denies those
8 allegations. Monsanto denies the remaining allegations in paragraph 123.

9 124. Monsanto lacks information or knowledge sufficient to form a belief as to the
10 truth of the allegations in paragraph 124 and therefore denies those allegations.

11 125. Monsanto incorporates by reference its responses to paragraphs 1 through 124 in
12 response to paragraph 125 of plaintiff's Complaint.

13 126. In response to the allegations in paragraph 126, Monsanto denies that it has
14 concealed the alleged "true risks associated with Roundup and glyphosate." The remaining
15 allegations in paragraph 126 set forth conclusions of law for which no response is required.

16 127. In response to the allegations in paragraph 127, Monsanto admits that it has stated
17 and continues to state that Roundup[®]-branded products are safe when used as labeled and that
18 they are non-toxic and non-carcinogenic.

19 128. In response to the allegations in paragraph 128, Monsanto states that the cited
20 document speaks for itself and does not require a response.

21 129. Monsanto denies that exposure to Roundup[®]-branded products and glyphosate
22 exposed plaintiff to risk of his alleged cancer and denies the remaining allegations in paragraph
23 129. Monsanto states, however, that the scientific studies upon which IARC purported to base
24 its classification were all publicly available before March 2015.

25 130. Monsanto denies that it concealed "the true character, quality and nature of
26 Roundup." The remaining allegations of paragraph 130 set forth conclusions of law for which
27 no response is required. To the extent that a response is deemed required, Monsanto denies all of
28 plaintiff's allegations in paragraph 130. Monsanto states, however, that the scientific studies

1 upon which IARC purported to base its classification were all publicly available before March
2 2015.

3 131. Monsanto denies that it engaged in the “wrongdoing” alleged in the Complaint
4 and denies that there is any reliable scientific evidence that exposure to glyphosate or Roundup[®] -
5 branded products can cause cancer. Monsanto states, however, that the scientific studies upon
6 which IARC purported to base its classification were all publicly available before March 2015.
7 The remaining allegations in paragraph 131 set forth conclusions of law for which no response is
8 required, consist of attorney characterizations and are accordingly denied, or comprise
9 allegations for which Monsanto lacks information or knowledge sufficient to form a belief as to
10 the truth of the allegations asserted and therefore denies those allegations.

11 132. Monsanto incorporates by reference its responses to paragraphs 1 through 131 in
12 response to paragraph 132 of plaintiff’s Complaint.

13 133. The allegations in paragraph 133 set forth conclusions of law for which no
14 response is required.

15 134. Monsanto denies the allegations in paragraph 134.

16 135. Monsanto denies the allegations in paragraph 135, including each of its subparts.

17 136. Monsanto denies the allegations in paragraph 136.

18 137. Monsanto denies the allegations in paragraph 137.

19 138. Monsanto denies the allegations in paragraph 138, including each of its subparts.

20 139. Monsanto denies the allegations in paragraph 139.

21 140. Monsanto denies the allegations in paragraph 140.

22 141. Monsanto denies the allegations in paragraph 141.

23 142. Monsanto denies the allegations in paragraph 142.

24 In response to the “WHEREFORE” paragraph following paragraph 142, Monsanto
25 demands that judgment be entered in its favor and against plaintiff; that plaintiff’s Complaint be
26 dismissed, with prejudice; and that Monsanto be awarded costs of suit and reasonable attorney’s
27 fees as allowed by law and such further and additional relief as this Court may deem just and
28 proper.

1 143. Monsanto incorporates by reference its responses to paragraphs 1 through 142 in
2 response to paragraph 143 of plaintiff’s Complaint.

3 144. Monsanto lacks information or knowledge sufficient to form a belief as to the
4 truth of the allegations in paragraph 144 and therefore denies those allegations.

5 145. Monsanto lacks information or knowledge sufficient to form a belief as to the
6 truth of the allegations in paragraph 145 and therefore denies those allegations.

7 146. Monsanto denies the allegations in paragraph 146.

8 147. Monsanto denies the allegations in paragraph 147.

9 148. Monsanto denies the allegations in paragraph 148.

10 149. Monsanto denies the allegations in paragraph 149, including each of its subparts.

11 150. Monsanto denies the allegations in paragraph 150.

12 151. Monsanto denies that Roundup[®]-branded products have “dangerous
13 characteristics.” Monsanto lacks information or knowledge sufficient to form a belief as to the
14 truth of the remaining allegations in paragraph 151 and therefore denies those allegations.

15 152. Monsanto lacks information or knowledge sufficient to form a belief as to the
16 truth of the allegations in paragraph 152 and therefore denies those allegations.

17 153. Monsanto denies the allegations in paragraph 153.

18 154. The allegations in paragraph 154 set forth conclusions of law for which no
19 response is required.

20 155. Monsanto denies the allegations in paragraph 155.

21 156. Monsanto denies the allegations in paragraph 156.

22 157. Monsanto denies the allegations in paragraph 157.

23 158. Monsanto denies the allegations in paragraph 158.

24 159. Monsanto denies the allegations in paragraph 159.

25 160. Monsanto denies the allegations in paragraph 160.

26 161. Monsanto denies the allegations in paragraph 161.

27 162. Monsanto denies the allegations in paragraph 162.

28 163. Monsanto denies the allegations in paragraph 163.

1 164. Monsanto denies the allegations in paragraph 164.

2 In response to the “WHEREFORE” paragraph following paragraph 164, Monsanto
3 demands that judgment be entered in its favor and against plaintiff; that plaintiff’s Complaint be
4 dismissed, with prejudice; and that Monsanto be awarded costs of suit and reasonable attorney’s
5 fees as allowed by law and such further and additional relief as this Court may deem just and
6 proper.

7 165. Monsanto incorporates by reference its responses to paragraphs 1 through 164 in
8 response to paragraph 165 of plaintiff’s Complaint.

9 166. Monsanto admits the allegations in paragraph 166.

10 167. Monsanto lacks information or knowledge sufficient to form a belief as to the
11 truth of the allegations in paragraph 167 and therefore denies those allegations.

12 168. Monsanto denies the allegations in paragraph 168. All labeling of Roundup[®]-
13 branded products has been and remains EPA-approved and in compliance with all federal
14 requirements under FIFRA.

15 169. Monsanto denies the allegations in paragraph 169.

16 170. Monsanto denies the allegations in paragraph 170. All labeling of Roundup[®]-
17 branded products has been and remains EPA-approved and in compliance with all federal
18 requirements under FIFRA.

19 171. Monsanto denies the allegations in paragraph 171. All labeling of Roundup[®]-
20 branded products has been and remains EPA-approved and in compliance with all federal
21 requirements under FIFRA.

22 172. Monsanto denies the allegations in paragraph 172.

23 173. Monsanto lacks information or knowledge sufficient to form a belief as to the
24 truth of the allegations regarding plaintiff’s use history in paragraph 173 and therefore denies
25 those allegations. Monsanto denies the remaining allegations in paragraph 173.

26 174. The allegations in paragraph 174 set forth conclusions of law for which no
27 response is required.

28 175. Monsanto denies the allegations in paragraph 175.

1 176. Monsanto denies the allegations in paragraph 176.

2 177. Monsanto denies the allegations in paragraph 177.

3 178. Monsanto denies the allegations that Roundup[®]-branded products are defective
4 and accordingly denies the allegations in paragraph 178.

5 179. The allegations in paragraph 179 set forth conclusions of law for which no
6 response is required.

7 180. Monsanto lacks information or knowledge sufficient to form a belief as to the
8 truth of the allegations in paragraph 180 and therefore denies those allegations.

9 181. Monsanto denies the allegations in paragraph 181.

10 182. Monsanto denies the allegations in paragraph 182.

11 183. Monsanto denies the allegations in paragraph 183.

12 184. Monsanto denies the allegations in paragraph 184.

13 185. Monsanto denies the allegations in paragraph 185.

14 In response to the “WHEREFORE” paragraph following paragraph 185, Monsanto
15 demands that judgment be entered in its favor and against plaintiff; that plaintiff’s Complaint be
16 dismissed, with prejudice; and that Monsanto be awarded costs of suit and reasonable attorney’s
17 fees as allowed by law and such further and additional relief as this Court may deem just and
18 proper.

19 186. Monsanto incorporates by reference its responses to paragraphs 1 through 186 in
20 response to paragraph 186 of plaintiff’s Complaint.

21 187. Monsanto denies the allegations in paragraph 187. Additionally, the allegations
22 in the last sentence in paragraph 187 set forth conclusions of law for which no response is
23 required.

24 188. Monsanto lacks information or knowledge sufficient to form a belief as to the
25 truth of the allegations in paragraph 188 concerning the plaintiff’s claimed use of Roundup[®]-
26 branded products and therefore denies those allegations. The remaining allegations in paragraph
27 189 set forth conclusions of law for which no response is required.

28

1 189. The allegations in paragraph 189 set forth conclusions of law for which no
2 response is required.

3 190. Monsanto denies the allegations in paragraph 190.

4 191. Monsanto denies the allegations in paragraph 191.

5 192. Monsanto lacks information or knowledge sufficient to form a belief as to the
6 truth of the allegations in paragraph 192 concerning the condition of any Roundup[®]-branded
7 product allegedly used by plaintiff or about plaintiff's alleged uses of such product and therefore
8 denies the allegations in paragraph 192.

9 193. Monsanto denies the allegations in paragraph 193.

10 194. Monsanto denies the allegations in paragraph 194.

11 195. Monsanto denies the allegations in paragraph 195.

12 In response to the "WHEREFORE" paragraph following paragraph 195, Monsanto
13 demands that judgment be entered in its favor and against plaintiff; that plaintiff's Complaint be
14 dismissed, with prejudice; and that Monsanto be awarded costs of suit and reasonable attorney's
15 fees as allowed by law and such further and additional relief as this Court may deem just and
16 proper.

17 196. Monsanto incorporates by reference its responses to paragraphs 1 through 195 in
18 response to paragraph 196 of plaintiff's Complaint.

19 197. In response to the allegations in paragraph 197, Monsanto admits that it has
20 manufactured, distributed, advertised, promoted, and sold Roundup[®]-branded products.

21 198. Monsanto lacks information or knowledge sufficient to form a belief as to the
22 truth of the allegations in paragraph 198 concerning plaintiff's claimed use of Roundup[®]-branded
23 products and therefore denies those allegations. Monsanto admits that it has sold glyphosate
24 based herbicides in accordance with their EPA-approved labeling. The remaining allegations in
25 paragraph 198 set forth conclusions of law for which no response is required.

26 199. Monsanto lacks information or knowledge sufficient to form a belief as to the
27 truth of the allegations in paragraph 199 concerning plaintiff's foreseeable use of Roundup[®]-
28

1 branded products and therefore denies those allegations. The remaining allegations in paragraph
2 200 set forth conclusions of law for which no response is required.

3 200. Monsanto lacks information or knowledge sufficient to form a belief as to the
4 truth of the allegations in paragraph 200 and therefore denies those allegations.

5 201. Monsanto lacks information or knowledge sufficient to form a belief as to the
6 truth of the allegations in paragraph 201 and therefore denies those allegations.

7 202. The allegations in paragraph 202 set forth conclusions of law for which no
8 response is required.

9 203. The allegations in paragraph 203 set forth conclusions of law for which no
10 response is required.

11 204. Monsanto denies the allegations in paragraph 204.

12 205. Monsanto denies the allegations in paragraph 205.

13 206. Monsanto denies the allegations in paragraph 206.

14 207. Monsanto denies the allegations in paragraph 207.

15 208. Monsanto lacks information or knowledge sufficient to form a belief as to the
16 truth of the allegations in paragraph 208 regarding plaintiff's reliance and therefore denies those
17 allegations. Monsanto denies the remaining allegations in paragraph 208.

18 209. Monsanto lacks information or knowledge sufficient to form a belief as to the
19 truth of the allegations in paragraph 209 regarding reliance by plaintiff and others and therefore
20 denies those allegations. Monsanto denies the remaining allegations in paragraph 209.

21 210. Monsanto denies the allegations in paragraph 210.

22 211. Monsanto denies the allegations in paragraph 211.

23 212. Monsanto denies the allegations in paragraph 212.

24 213. Monsanto denies the allegations in paragraph 213.

25 214. Monsanto denies the allegations in paragraph 214.

26 In response to the "WHEREFORE" paragraph following paragraph 214, Monsanto
27 demands that judgment be entered in its favor and against plaintiff; that plaintiff's Complaint be
28 dismissed, with prejudice; and that Monsanto be awarded costs of suit and reasonable attorney's

1 fees as allowed by law and such further and additional relief as this Court may deem just and
2 proper.

3 In response to the allegations in the section entitled “PRAYER FOR RELIEF,” Monsanto
4 denies that plaintiff is entitled to the relief sought therein, including any judgment for any
5 damages, interest, costs, or any other relief whatsoever.

6 Every allegation in the Complaint that is not specifically and expressly admitted in this
7 Answer is hereby specifically and expressly denied.

8 **SEPARATE AND AFFIRMATIVE DEFENSES**

9 1. The Complaint, in whole or part, fails to state a claim or cause of action against
10 Monsanto upon which relief can be granted.

11 2. Venue is inconvenient for plaintiff’s claims.

12 3. Plaintiff’s claims are barred in whole because plaintiff cannot proffer any
13 scientifically reliable evidence that the products at issue were defective or unreasonably
14 dangerous.

15 4. Any alleged negligent or culpable conduct of Monsanto, none being admitted,
16 was so insubstantial as to be insufficient to be a proximate or substantial contributing cause of
17 plaintiff’s alleged injuries.

18 5. Plaintiff’s claims are barred, in whole or in part, because the products at issue
19 were designed, manufactured, marketed and labeled with proper warnings, information, cautions
20 and instructions, in accordance with the state of the art and the state of scientific and
21 technological knowledge.

22 6. Plaintiff’s claims are barred, in whole or in part, because the products at issue
23 were not defective or unreasonably dangerous in that they complied with, at all relevant times,
24 all applicable government safety standards.

25 7. Any claims based on allegations that Monsanto misled, defrauded, made
26 misrepresentations to, or withheld information from U.S. EPA are preempted by federal law.
27 *See, e.g., Buckman Co. v. Plaintiffs’ Legal Comm.*, 531 U.S. 341 (2001); *Nathan Kimmel, Inc. v.*
28 *Dowelanco*, 275 F.3d 1199 (9th Cir. 2002).

1 8. Plaintiff's claims are preempted, in whole or in part, by applicable federal law
2 relating to the design, testing, producing, manufacturing, labeling, distributing, modeling,
3 processing, and supply of Roundup[®]-branded products and/or glyphosate-containing products.

4 9. Plaintiff's claims are preempted, in whole or in part, because of U.S. EPA
5 findings that glyphosate does not cause cancer in humans and/or because of U.S. EPA-approved
6 product labeling.

7 10. Plaintiff's claims are barred, in whole or in part, by the doctrine of primary
8 jurisdiction, including by the authority delegated by Congress to the U.S. EPA.

9 11. Plaintiff's claims are barred, in whole or in part, because plaintiff's injuries, if
10 any, were the result of conduct of plaintiff, independent third parties, and/or events that were
11 extraordinary under the circumstances, not foreseeable in the normal course of events, and/or
12 independent, intervening and superseding causes of the alleged injuries, including but not limited
13 to plaintiff's pre-existing medical conditions.

14 12. The doctrines contained in Restatement (Second) of Torts § 402A, comments j
15 and k, bar plaintiff's claims against Monsanto in whole or in part.

16 13. Applicable statutes of limitations and/or repose bar plaintiff's claims in whole or
17 in part.

18 14. Plaintiff's misuse or abnormal use of the product or failure to follow instructions
19 bar plaintiff's claims in whole or in part.

20 15. If plaintiff suffered injury or damages as alleged, which is denied, such injury or
21 damage resulted from: (a) acts or omissions of persons or entities for which Monsanto is neither
22 liable nor responsible or, in the alternative, Monsanto is entitled to an assessment of the relative
23 degree of fault of all such persons and entities; or (b) resulted from diseases and/or causes that
24 are not related or connected with any product sold, distributed, or manufactured by Monsanto.
25 Such acts or omissions on the part of others or diseases or causes constitute an independent,
26 intervening and sole proximate cause of plaintiff's alleged injury or damages.

27 16. Monsanto had no legal relationship or privity with plaintiff and owed no duty to
28 him by which liability could be attributed to it.

1 17. Monsanto made no warranties of any kind or any representations of any nature
2 whatsoever to plaintiff. If any such warranties were made, which Monsanto specifically denies,
3 then plaintiff failed to give notice of any breach thereof.

4 18. Plaintiff's claims are preempted in whole or part by the Freedom of Speech
5 Clause of the First Amendment of the U.S. Constitution.

6 19. Plaintiff's claims for punitive and/or exemplary damages are barred because such
7 an award would violate Monsanto's due process, equal protection and other rights under the
8 United States Constitution, the Missouri Constitution, the Rhode Island Constitution, and/or
9 other applicable state constitutions – and would be improper under the common law and public
10 policies of the United States, the laws of Missouri, and/or other state's laws.

11 20. Plaintiff's claims for punitive and/or exemplary damages are barred because
12 plaintiff has failed to allege conduct warranting imposition of punitive damages under Missouri
13 law, Rhode Island law, and/or other applicable state laws.

14 21. Plaintiff's claims for punitive and/or exemplary damages are barred and/or limited
15 by operation of state and/or federal law, including Missouri Revised Statute § 510.265.1.

16 22. Monsanto's conduct and/or acts were not willful, wanton, malicious, reckless,
17 fraudulent or done with a conscious disregard for the rights of plaintiff and/or the safety of the
18 public. Nor do any of Monsanto's conduct and/or acts demonstrate that Monsanto acted with a
19 high degree of moral culpability. In fact, Monsanto exercised reasonable care at all times alleged
20 in the Complaint, and plaintiff has failed to clearly establish any entitlement to punitive and/or
21 exemplary damages based on their allegations.

22 23. Plaintiff's claims are barred in whole or in part by plaintiff's own
23 contributory/comparative negligence.

24 24. Plaintiff's claims are barred in whole or in part by plaintiff's own failure to
25 mitigate damages.

26 25. Plaintiff's claims are barred in whole or in part by the sophisticated user doctrine.

27 26. To the extent that plaintiff recovered payments for his alleged injuries from any
28 collateral source(s) or other source(s), plaintiff's recovery in this lawsuit, if any, shall be reduced

1 to the extent allowed by applicable law, including as allowed for under Missouri Revised Statute
2 § 490.715.

3 27. If plaintiff has been injured or damaged, no injury or damages being admitted,
4 such injuries were not caused by a Monsanto product.

5 28. Plaintiff's claims are barred to the extent that plaintiff seeks relief under the laws
6 of states that do not govern plaintiff's claims.

7 29. Monsanto hereby gives notice that it intends to rely upon such other defenses as
8 may become available or apparent during the course of discovery and thus reserves its right to
9 amend this Answer to assert such defenses.

10 **WHEREFORE**, Defendant Monsanto demands judgment in its favor and against
11 plaintiff, dismissing plaintiff's Complaint with prejudice, together with the costs of suit and such
12 other relief as the Court deems equitable and just.

13 **JURY TRIAL DEMAND**

14 Monsanto demands a jury trial on all issues so triable.

15
16 DATED: November 13, 2017

Respectfully submitted,

17
18 /s/ Joe G. Hollingsworth
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