IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

JAMES ADAMS, JR., et al.,	)	
	)	
Plaintiffs,	)	
	)	Cause No. 17SL-CC02721
v.	)	
	)	Division No. 1
MONSANTO COMPANY,	)	
	)	
Defendant.	)	

ORDER

Presently before the Court is Defendant Monsanto Company's ("Defendant") Motion for Summary Judgment on the Petition of Plaintiff Sharlean Gordon ("Plaintiff"). The Court heard the arguments of counsel and reviewed the pleadings and exhibits submitted.

Defendant's motion raises four arguments:

1. Ms. Gordon's claims are preempted by federal law;

2. Ms. Gordon's failure to warn claim fails as a matter of law because she never reviewed any warnings on the label;

3. Ms. Gordon lacks the requisite expert evidence needed to support her claims; and

4. Ms. Gordon's demand for punitive damages fails because there is no evidence Monsanto committed fraud or acted with an evil motive or reckless indifference as to Ms. Gordon.
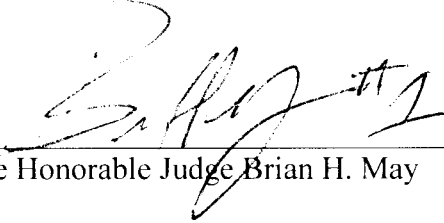
Summary judgment is appropriate when the record demonstrates there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. *Lampley v. MCHR*, 570 S.W.3d 16, 22 (Mo., 2019). The Court finds that Defendant's preemption arguments fail as a matter of law. *Hardeman v. Monsanto Company*, 216 F.Supp.3d 1037, 1038-39 (N.D.Cal., 2016); *Bates v. Dow Agrosciences LLC*, 544 U.S. 431 (U.S., 2005). The Court also finds that there are genuine issues of material fact as to whether Ms. Gordon ever reviewed any label warnings.

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By a separate Order also issued this day, the Court has denied Defendant's various motions to exclude the opinions of Plaintiff's experts. That ruling defeats Defendant's argument that Ms. Gordon lacks the requisite expert evidence needed to support her claims. Lastly, Defendant wholly failed to establish that it is entitled to summary judgment on Ms. Gordon's demand for punitive damages.

WHEREFORE, Defendant Monsanto Company's Motion for Summary Judgment is **DENIED**.

SO ORDERED:

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Date   7/26/19

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The Honorable Judge Brian H. May

cc: Attorneys of Record