

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**NEIL McCORD**

**PLAINTIFF**

v.

Case No. \_\_\_\_\_

**SYNGENTA CROP PROTECTION LLC,  
SYNGENTA AG, SYNGENTA CROP PROTECTION AG,  
SYNGENTA CORPORATION, and  
CHEVRON U.S.A., INC.**

**DEFENDANTS**

**COMPLAINT**

Plaintiff Neil McCord (“Plaintiff”) brings this civil action for damages against Defendants Syngenta Crop Protection LLC, Syngenta AG, Syngenta Crop Protection AG, Syngenta Corporation, and Chevron U.S.A., Inc. (“Defendants”) and alleges as follows:

**PRELIMINARY STATEMENT**

1. Paraquat is a synthetic chemical compound that since the early 1960s has been developed, registered, manufactured, distributed, sold for use, and used as an active ingredient in certain herbicide products (“Paraquats Products”) developed, registered, formulated, distributed, and sold for use in the United States.

2. Plaintiff brings this action against Defendants to recover damages for personal injuries and other economic damages resulting from his exposure to Paraquat Products over many years, manufactured, distributed, and sold by Defendants.

3. Defendants are companies and successors-in-interest to companies that designed, manufactured, distributed, and sold Paraquat Products for use in Mississippi, and/or in concert with others who designed, manufactured, distributed, and sold Paraquat Products for use in Mississippi.

4. Plaintiff Neil McCord suffers from Parkinson’s disease caused by his exposure to

the herbicide paraquat.

5. Defendants' tortious conduct, including their negligent acts and omissions in the research, testing, design, manufacture, marketing, and sale of Paraquat Products, caused Plaintiff's injuries. At all relevant times, Defendants knew, or in the exercise of reasonable care should have known, that paraquat was a highly toxic substance that can cause severe neurological injuries and impairment, and should have taken steps in their research, manufacture, and sale of Paraquat Products to ensure that people would not be harmed by foreseeable uses of paraquat.

### **JURISDICTION AND VENUE**

6. This Court has jurisdiction under 28 U.S.C. § 1332(a)(3) because this is an action in which the amount in controversy exceeds the sum of value of \$75,000, exclusive of interest and costs, and Plaintiff and Defendants are diverse in citizenship and certain defendants are citizens of foreign states.

7. Venue is proper in this district under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claim occurred in this district, in that the claims arise from injuries caused by the exposure of Plaintiff Neil McCord to paraquat from Paraquat Products that were distributed and sold for use in this district, were purchased or purchased for use in this district, and were used in this district when the exposures that caused the injuries.

### **PARTIES**

8. Plaintiff Neil McCord is a citizen and resident of the state of Mississippi who has suffered and continues to suffer from permanent neurological injuries due to Parkinson's disease ("Parkinson's") caused by his exposure to Paraquat Products.

9. Plaintiff used Defendants' Paraquat Products regularly and frequently from 1970 to 1983.

10. Plaintiff was diagnosed with Parkinson's in 2018 caused by many years of

regular, frequent, and prolonged exposure of Defendants' Paraquat Products.

11. Syngenta AG is a foreign corporation organized and existing under the laws of Switzerland with its principal place of business in Basel, Switzerland.

12. Syngenta Crop Protection LLC is a Delaware limited liability company with its principal place of business in Greensboro, North Carolina. Syngenta Crop Protection LLC is a subsidiary of Defendant Syngenta AG.

13. Syngenta Crop Protection AG is a foreign corporation organized and existing under the laws of Switzerland with its principal place of business in Basel, Switzerland. Syngenta Crop Protection AG is a wholly owned subsidiary of Syngenta AG.

14. Syngenta Corporation is a Delaware corporation with its principal place of business in Greensboro, North Carolina. Syngenta Corporation is a subsidiary of Defendant Syngenta AG.

15. Chevron U.S.A., Inc. is a Pennsylvania corporation with its principal place of business in San Ramon, California.

16. From approximately May 1964 through approximately June 1981, Imperial Chemical Industries Limited ("ICI Limited") and certain ICI Limited subsidiaries, each of which was a predecessor of Defendant Syngenta AG and/or Defendant Syngenta Crop, were engaged directly, acting in concert with each other, and/or acting in concert with Chevron Phillips, in the business of developing, registering, manufacturing, distributing, and selling paraquat for use as an active ingredient in Paraquat Products, and developing, registering, formulating, and distributing Paraquat Products, for sale and use in the U.S., including Mississippi ("the U.S. paraquat business").

17. From approximately June 1981 through approximately September 1986, Imperial

Chemical Industries PLC (“ICI PLC”) and certain ICI PLC subsidiaries, each of which was a predecessor of Defendant Syngenta AG and/or Defendant Syngenta Crop, were engaged directly, acting in concert with each other, and/or in concert with Defendant Chevron Phillips, in the business of developing, registering, manufacturing, distributing, and selling Paraquat Products, for sale and use in U.S., including Mississippi.

18. From approximately September 1986 through the present, ICI PLC and certain subsidiaries (including predecessor(s) of Syngenta Crop) initially, then other Syngenta AG predecessor(s) and certain subsidiaries of each (including predecessor(s) of Syngenta Crop), and most recently Syngenta AG and their certain subsidiaries, have been engaged directly and/or acting in concert with each other, in all aspects of U.S. paraquat business.

19. From approximately September 1986 through the present, ICI PLC and certain subsidiaries( including predecessor(s) of Syngenta Crop) initially, the other Syngenta AG predecessor(s) and certain subsidiaries of each (including predecessor(s) of Syngenta Crop), and most recently Syngenta AG and certain Syngenta AG subsidiaries (including Syngenta Crop), have manufactured paraquat (“ICI-Syngenta paraquat”) for their own use, and for the use by others to which they distributed it as an active ingredient in Paraquat Products that Syngenta Crop and its predecessor(s) and others have distributed for sale and use in the U.S., including Mississippi.

20. At all times herein each Defendant was the agent, servant, employee, joint-venturer, alter ego, successor-in-interest, and predecessor-in-interest of each of the other, and each was acting with the course and scope of their agency, service, joint venture, alter ego relationship, employment, and corporate interrelationship.

## **FACTUAL ALLEGATIONS**

### **A. Overview of Paraquat**

21. Defendants' Paraquat Products have been used in the U.S. to kill broadleaf weeds and grasses before the planting or emergence of more than 100 field, fruit, vegetable, and plantation crops to control weeds in orchards, and to desiccate (dry) plants before harvest.

22. At all relevant times, the use of Defendants' Paraquat Products for these purposes was intended or directed by or reasonably foreseeable to, and was known to or foreseen by Defendants.

23. Defendants' Paraquat Products were commonly used multiple times per year on the same ground, particularly when used to control weeds in orchards and in farm fields where multiple crops were planted in the same growing season or year.

24. Defendants' Paraquat Products were typically sold to users in the form of liquid concentrates that were then diluted with water in the tank of a sprayer and applied by spraying the diluted product onto target weeds.

25. Defendants' Paraquat Products were typically formulated with a surfactant or surfactants, and/or a surfactant product, or "crop oil," which typically contains one or more surfactants, and was commonly added by users of Defendants' Paraquat Products to increase the ability of paraquat to stay in contact with and penetrate the leaves of target plants and enter plant cells.

26. Knapsack sprayers, hand-held sprayers, aircraft (*i.e.*, crop dusters), trucks with attached pressurized tanks, and tractor-drawn pressurized tanks, were commonly used to apply Defendants' Paraquat Products.

27. When Defendants' Paraquat Products were used in a manner that was intended and directed by or reasonably foreseeable, and was known to or foreseen by Defendants, persons who used them and others nearby were commonly exposed to paraquat while it was being mixed

and loaded into tanks of sprayers, including because of spills, splashes, and leaks.

28. At all relevant times, it was reasonably foreseeable to, and known to or foreseen by Defendants that such exposure commonly would and did occur and would and did create a substantial risk of harm to the persons exposed.

29. When Defendants' Paraquat Products were used in a manner that was intended and directed by or reasonably foreseeable to, and was known to or foreseen by Defendants, persons who sprayed them, and others nearby while they were being sprayed or when they recently had been sprayed, commonly were exposed to paraquat, including as a result of spray drift (the movement of herbicide spray droplets from the target area to an area where herbicide application was not intended, typically by wind) and contact with sprayed plants.

30. When Defendants' Paraquat Products were used in a manner that was intended and directed by or reasonably foreseeable to, and was known to or foreseen by Defendants persons who used them, and other persons nearby commonly were exposed to paraquat, including as a result of spills, splashes, and leaks, while equipment used to spray it was being emptied or cleaned or clogged spray nozzles, lines or valves were being cleared.

31. At all relevant times, it was reasonably foreseeable to, and was known to or foreseen by Defendants, that when Defendants' Paraquat Products were used in a manner that was intended and directed by or reasonably foreseen to, and was known to or foreseen by Defendants and people were exposed to paraquat as a result:

- a. Paraquat could and did enter the human body via absorption through or penetration of the skin, mucous membranes, and other epithelial tissues, including tissues of the mouth, nose and nasal passages, trachea, and conducting airways, particularly where cuts, abrasions, rashes, sores, or other tissue damage was present, and that paraquat that entered the human body in one or more this way would and did create a substantial risk of harm to people so exposed.
- b. Paraquat could and did enter the human body via respiration into the lungs, including the deep parts of the lungs where respiration (gas exchange) occurs, and

that paraquat that entered the human body in one or more this way would and did create a substantial risk of harm to people so exposed.

- c. Paraquat could and did enter the human body via ingestion into the digestive tract of small droplets swallowed after entering the mouth, nose, or conducting airways, and that paraquat that entered the human body in this way would and did create a substantial risk of harm to people so exposed.
- d. Paraquat that entered the human body via ingestion into the digestive tract could and did enter the enteric nervous system (the part of the nervous system that governs the functions of the gastrointestinal tract), and that paraquat that entered the enteric nervous system would and did create a substantial risk of harm to people so exposed.
- e. Paraquat that entered the human body, whether via absorption, respiration, or ingestion, could and did enter the bloodstream, and that paraquat that entered the bloodstream would and did create a substantial risk of harm to people so exposed.
- f. Paraquat that entered the bloodstream could and did enter the brain, whether the blood-brain barrier or parts of the brain not protected by the blood-brain barrier, and that paraquat that entered the brain would and did create a substantial risk of harm to people so exposed.
- g. Paraquat that entered the nose and nasal passages could and did enter the brain through the olfactory bulb (a part of the brain involved in the sense of smell), which is not protected by the blood-brain barrier, and that paraquat that entered the olfactory bulb would and did create a substantial risk of harm to people so exposed.

32. At all relevant times, it was reasonably foreseeable to, and was known to or foreseen by Defendants that when Defendants' Paraquat Products were used in a manner that was intended and directed by or reasonably foreseeable to, and was known to or foreseen by Defendants and people were exposed to Paraquat Products that contained surfactants or had surfactants added to them, the surfactants would and did increase the toxicity of paraquat toxicity to humans by increasing its ability to stay in contact with or penetrate cells and cellular structures, including but not limited to, the skin, mucous membranes, and other epithelial tissues and endothelial tissues, including tissues of the mouth, nose, and nasal passages, trachea, conducting airways, lungs, gastrointestinal tract, blood-brain barrier, and neurons and this would

and did increase the already substantial risk of harm to people so exposed.

**B. Overview of Parkinson's**

33. Parkinson's disease is a progressive neurodegenerative disorder of the brain that affects primarily the motor system, the part of the central nervous system that controls movement.

34. Scientists who study Parkinson's disease generally agree that fewer than 10% of all Parkinson's disease cases are caused by inherited genetic mutations alone, and that more than 90% are caused by combination of environmental factors, genetic susceptibility, and the aging process.

35. The characteristic symptoms of Parkinson's disease are its "primary" motor symptoms: resting tremor (shaking movement when the muscles are relaxed), bradykinesia (slowness in voluntary movement and reflexes), rigidity (stiffness and resistance to passive movement), and postural instability (impaired balance).

36. Parkinson's disease's primary motor symptoms often result in "secondary" motor symptoms such as freezing of gait; shrinking handwriting; mask-like expression; slurred, monotonous, quiet voice; stooped posture; muscle spasms; impaired coordination; difficulty swallowing; and excess saliva and drooling caused by reduced swallowing movements

37. Non-motor symptoms – such as loss of or altered sense of smell; constipation; low blood pressure on rising to stand; sleep disturbances; and depression – are present in most cases of Parkinson's disease, often for years before any of the primary motor symptom appear.

38. There is currently no cure for Parkinson's disease; no treatment will stop or reverse its progression, and the treatments most prescribed for its motor symptoms tend to become progressively less effective, and cause unwelcome side effects the longer they are used.

39. The selective degeneration and death of dopaminergic neurons (dopamine-



producing nerve cells) in a part of the brain called substantia nigra pars compacta (“SNpc”) is one of the primary pathophysiological hallmarks of Parkinson’s disease.

40. Dopamine is a neurotransmitter (a chemical messenger that transmits signals from one neuron to another neuron, muscle cell, or gland cell) that is critical to the brain’s control of motor function (among other things).

41. The death of dopaminergic neurons in the SNpc decreases the production of dopamine.

42. Once dopaminergic neurons die, they are not replaced; when enough have died, dopamine production falls below the level the brain requires for proper control of motor function, resulting in the motor symptoms of Parkinson’s disease.

43. The presence of Lewy bodies (insoluble aggregates of a protein called alpha-synuclein) in many of the remaining dopaminergic neurons in the SNpc is another of the primary pathophysiological hallmarks of Parkinson’s disease.

44. Dopaminergic neurons are particularly susceptible to oxidative stress, a disturbance in the normal balance between oxidants present in cell and cells’ antioxidant defenses.

45. Scientist who study Parkinson’s disease generally agree that oxidative stress is a major factor in – if not the precipitating cause of – the degeneration and death of dopaminergic neurons in the SNpc and the accumulation of Lewy bodies in the remaining dopaminergic neurons that are the primary pathophysiological hallmarks of Parkinson’s disease.

### **C. Science Linking Paraquat to Parkinson’s**

46. Paraquat is highly toxic to both plants and animals, creating oxidative stress that causes or contributes to cause the degeneration and death of plant or animal cells.

47. Paraquat creates oxidative stress in the cells of plants and animals because of

“redox properties” that are inherent in its chemical composition and structure: it is a strong oxidant, and it readily undergoes “redox cycling” in the presence of molecular oxygen, which is plentiful in living cells

48. The redox cycle of paraquat in living cells interferes with cellular functions that are necessary to sustain life – with photosynthesis in plant cells, and with cellular respiration in animal cells. The redox cycling of paraquat in living cells creates a “reactive oxygen species” known as superoxide radical, an extremely reactive molecule that can initiate a cascading series of chemical reactions that creates other reactive oxygen components of the structures and functions of living cells. Because the redox cycling of paraquat can repeat indefinitely in the conditions typically present in living cells, a single molecule of paraquat can trigger the production of countless molecules of destructive superoxide radical.

49. Paraquat’s redox properties have been known to science since at least the 1930s.

50. It has been scientifically known since the 1960s that paraquat (due to its redox properties) is toxic to the cells of plants and animals. The same redox properties that make paraquat toxic to plant cells and other types of animal cells make it toxic to dopaminergic neurons in humans – that is, paraquat is a strong oxidant that interferes with the function of, damages, and ultimately kills dopaminergic neurons in the human brain by creating oxidative stress through redox cycling.

51. Paraquat is one of only a handful of toxins that scientists use to produce animal models of Parkinson’s disease, i.e., use in a laboratory to artificially produce the symptoms of Parkinson’s disease in animals.

52. Animal studies involving various routes of exposure have found that paraquat creates oxidative stress that results in the degeneration and death of dopaminergic neurons in the

SNpc, other pathophysiology consistent with that seen in human Parkinson's disease, and motor deficits and behavioral changes consistent with those commonly seen in human Parkinson's disease.

53. Hundreds of in vitro studies (experiments in a test tube, culture dish, or other controlled experimental environment) have found that paraquat creates oxidative stress that results in the degeneration and death of dopaminergic neurons (and many other types of animal cells).

54. Epidemiological studies have found that exposure to paraquat significantly increases the risk of contracting Parkinson's disease. Several studies have found that the risk of Parkinson's disease is more than double in populations with occupational exposure to paraquat compared to populations without such exposure.

55. These convergent lines of evidence (toxicology, animal experiments, and epidemiology) demonstrate that Paraquat exposures generally can cause Parkinson's disease.

#### **D. Paraquat Regulation**

56. The Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136 et seq., which regulates the distribution, sale, and use of pesticides within the United States, requires that pesticides be registered with the EPA prior to their distribution, sale, or use, except as described by FIFRA. 7 U.S.C. 136a(a).

57. Registration by the EPA, however, is not an assurance or finding of safety. The determination the EPA makes in registering or re-registering a product is not that the product as "safe", but rather that use of the product in accordance with its label directions "will not generally cause unreasonable adverse effects on the environment." 7 U.S.C. § 136(a)(c)(5)(D).

58. As part of the pesticide registration process, the EPA requires, among other things, a variety of tests to evaluate the potential for exposure to pesticides, toxicity to people

and other potential non-target organisms, and other adverse effects on the environment.

59. As a general rule, FIFRA requires registrants – not the EPA – to perform health and safety testing of pesticides, and the EPA generally does not perform such testing.

60. The EPA registers (or re-registers) a pesticide if it believes, based largely on studies and data submitted by the registrant, that:

- a. its composition is such as warrant the proposed claims for it, 7 U.S.C. § 136a(c)(5)(A);
- b. its labeling and other material required to be submitted comply with the requirements of FIFRA, 7 U.S.C. § 136a(c)(5)(B);
- c. it will perform its intended function without unreasonable adverse effects on the environment, 7 U.S.C. § 136a(c)(5)(C); and
- d. when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment, 7 U.S.C. § 136a(c)(5)(D).

61. FIFRA defines “unreasonable adverse effects on the environment” as “any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.” 7 U.S.C. § 136(bb).

62. Under FIFRA, “As long as no cancellation proceedings are in effect registration of a pesticide shall be prima facie evidence that the pesticide, its labeling and packaging comply with the registration provisions of [FIFRA].” 7 U.S.C. § 136a(f)(2).

63. However, FIFRA further provides that “In no event shall registration of an article be construed as a defense for the commission of any offense under [FIFRA].” 7 U.S.C. § 136a(f)(2).

64. FIFRA further provides that “... it shall be unlawful for any person in any State to distribute or sell to any person... any pesticide which is... misbranded.” 7 U.S.C § 136j(a)(1)(E).

65. A pesticide is misbranded under the FIFRA if among other things:

- a. its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular, 7 U.S.C. § 136(q)(1)(A);
- b. the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 136a(d) of this title, are adequate to protect health and the environment, 7 U.S.C. § 136(q)(1)(F); or
- c. the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under section 136a(d) of this title, is adequate to protect health and the environment. 7 U.S.C. § 136(q)(1)(G).

66. Plaintiff does not seek in this action to impose on Defendants any labeling or packaging requirement in addition to or different from those required under FIFRA; accordingly, any allegation in this Complaint that a Defendant breached a duty to provide adequate directions for the use of paraquat or warning about paraquat, breached a duty to provide adequate packaging for paraquat, or concealed, suppressed, or omitted to disclose any material fact about paraquat or engaged in any unfair or deceptive practice regarding paraquat, is intended and should be construed to be consistent with that alleged breach, concealment, suppression, or omission, or unfair or deceptive practice, having rendered the paraquat “misbranded” under FIFRA.

67. Plaintiff brings claims and seek relief in this action only under state law. Plaintiff does not bring any claims or seek any relief in this action under FIFRA.

**E. Plaintiff’s Use of Paraquat & Diagnosis of Parkinson’s**

68. Between approximately 1970 through 1983, Plaintiff was repeatedly exposed to and inhaled, ingested, or absorbed paraquat in the course of applying Paraquat Products on the ground or in the air to desiccate crops for harvest before planting on fields.

69. Plaintiff was certified by the state of Mississippi to apply Paraquat Products on

farmland.

70. On information and belief during this time period, Defendants manufactured and sold the paraquat that the owners or operators of farms applied or had applied on farms in Counties within the Northern District of Mississippi.

71. The paraquat to which Plaintiff was exposed entered his body through absorption or penetration of the skin, mucous membranes, and other epithelial tissues (including tissues of the mouth, nose and nasal passages, trachea, and conducting airways, particularly where cuts, abrasions, rashes, sores, or other tissue damage are present); and/or through the olfactory bulb; and/or through respiration into the lungs; and/or through ingestion into the digestive tract of small droplets swallowed after entering the mouth, nose, or conducting airways. Once absorbed, the paraquat entered his bloodstream, attacked his nervous system, and was a substantial factor in causing him to suffer Parkinson's disease.

72. After repeated and consistent paraquat exposure, Plaintiff began suffering neurological injuries consistent with Parkinson's disease and was diagnosed with Parkinson's disease in 2018. Plaintiff's neurological injuries have continued and progress over time, and Plaintiff suffers these injuries at present and will continue to suffer these injuries into the future.

73. Plaintiff had no reason to suspect the diagnosis was connected to his past paraquat exposure.

74. Although Plaintiff knew that the paraquat to which he was exposed was acutely toxic, he had no reason to suspect that chronic, low-dose exposure to paraquat could cause neurological diseases such as Parkinson's disease.

75. Plaintiff was never told, either by a medical professional, by media, or by Defendants, that chronic, low-dose exposure to paraquat could cause him to suffer Parkinson's

disease.

76. Plaintiff first became aware of paraquat's role in causing his Parkinson's disease and the wrongful acts of Defendants that caused or contributed to his developing Parkinson's disease within a year of the filing of this Complaint.

77. Plaintiff did not discover this earlier because he has no reason to suspect that his working with paraquat could cause him to suffer Parkinson's disease.

78. Defendants' acts and omissions were a legal, proximate, and substantial factor in Plaintiff to suffer severe and permanent physical injuries, pain, mental anguish, and disability, and will continue to do so for the remainder of his life.

79. The paraquat to which Plaintiff was exposed was sold and used in Mississippi, and was manufactured, distributed, and/or sold by one or more of Defendants and their corporate predecessors and other with whom they acted in concert intending or expecting it would be sold and used in Mississippi.

### **CLAIMS FOR RELIEF**

#### **COUNT I**

#### **Strict Products Liability Design Defect**

80. Plaintiff incorporates the preceding paragraphs as if fully rewritten herein.

81. At all times relevant to this claim, Defendants, Defendant's corporate predecessors, and others with whom they acted in concert were engaged in the business of designing, manufacturing, distributing, and selling pesticides, and designed, manufactured, distributed, and sold Paraquat Products intending or expecting that it would be sold and used in Mississippi.

82. Plaintiff was exposed to Paraquat Products sold and used in Mississippi that Defendants, Defendants' corporate predecessors, and other with whom they acted in concert

designed, manufactured, distributed, and sold intending or expecting that it would be sold and used in Mississippi.

83. The Paraquat Products that Defendants designed, manufactured, distributed, and sold and to which Plaintiff was exposed was in a defective condition that made it unreasonably dangerous, in that when used in the intended and directed manner or a reasonably foreseeable manner:

- a. it was designed, manufactured, formulated, and packaged such that it was likely to be inhaled, ingested, and absorbed into the bodies of persons who used it, who were nearby while it was being used, or who entered fields or orchards where it had been sprayed or areas near where it had been sprayed; and
- b. when inhaled, ingested, or absorbed into the bodies of persons who used it, who were nearby while it was being use, or who entered fields or orchards where it had been sprayed or areas near where it had been sprayed, it was likely to cause or contribute to cause latent neurological damage that was both permanent and cumulative, and repeated exposures were likely to cause or contribute to cause clinically significant neurodegenerative disease, including Parkinson's disease, to develop long after exposure.

84. Alternatively, Defendants Paraquat Products were defectively designed in that the risk of danger inherent in the challenged design outweighed the benefits of such design, considering among other relevant factors, the gravity of the danger posed by the challenged design, the likelihood that such danger would occur, the mechanical feasibility of a safer alternative design, the financial cost of an improved design, and the adverse consequences to the product and to the consumer that would result from an alternative design.

85. The design defect existed when the paraquat left Defendants and their corporate predecessors' possession and control.

**COUNT II**  
**Strict Products Liability Failure to Warn**

86. Plaintiff incorporates the preceding paragraphs as if fully rewritten herein.

87. When Defendants and their corporate predecessors manufactured and sold the



paraquat to which Plaintiff was exposed, it was known or knowable to Defendants and their corporate predecessors in light of scientific knowledge that was generally accepted in the scientific community that:

- a. paraquat was designed, manufactured, formulated, and packaged such that it was likely to be inhaled, ingested, and absorbed in the bodies of persons who used it, who were nearby while it was being used, or who entered fields or orchards where it has been sprayed or areas near where it has been sprayed; and
- b. when inhaled, ingested, or absorbed into the body, it was likely cause latent neurological damage that was both permanent and cumulative, and that repeated, low-dose exposures were like to cause neurodegenerative disease, including Parkinson's disease.

88. The risk of contracting Parkinson's disease from chronic, low-dose exposure to paraquat presented a substantial danger to uses of paraquat when the product was use in a reasonably foreseeable manner.

89. An ordinary consumer would not have recognized the potential risk of permanent, irreversible neurological damage, including the risk of contracting Parkinson's disease from chronic, low-dose exposure to paraquat.

90. Defendants and their corporate predecessors failed to warn of the potential risk of permanent, irreversible neurological damage from chronic, low-dose exposure to paraquat, and failed to provide adequate instructions regarding avoidance of these risks.

**COUNT III**  
**Negligence**

91. Plaintiff incorporates the preceding paragraphs as if fully rewritten herein.

92. Plaintiff was exposed to paraquat that Defendants and their corporate predecessors designed, manufactured, distributed, and sold paraquat for use in the state of Mississippi and throughout the United States.

93. The paraquat to which Plaintiff was exposed was used in the intended or a

reasonably foreseeable manner.

94. At all times relevant to this claim, in researching, designing, manufacturing, packaging, labeling, distributing, and selling paraquat, Defendants and their corporate predecessor(s) owed a duty to exercise ordinary care for the health and safety of the persons whom it was reasonably foreseeable could be exposed to paraquat, including Plaintiff.

95. When Defendants and their corporate predecessor(s) designed, manufactured, packaged, labeled, distributed, and sold the paraquat to which Plaintiff was exposed, it was reasonably foreseeable that paraquat:

- a. was likely to be inhaled, ingested, and absorbed into the bodies of persons who used it, who were nearby while it was being used, or who entered fields or orchards where it had been sprayed or areas near where it had been sprayed; and
- b. when inhaled, ingested, or absorbed into the bodies of persons who used it, who were nearby while it was being used, or who entered fields or orchards where it had been sprayed or areas near where it has been sprayed, it was likely to cause neurodegenerative disease, including Parkinson's disease.

96. In breach of the aforementioned duty to Plaintiff, Defendants and their corporate predecessor(s) negligently:

- a. failed to design, manufacture, formulate, and package paraquat to make it unlikely to be inhaled, ingested, and absorbed into the bodies of persons who used it, who were nearby while it was being used, or who entered fields or orchards where it had been sprayed or areas near where it had been sprayed;
- b. designed, manufactured, and formulated paraquat such that it was likely to cause neurological damage that was both permanent and cumulative, and repeated exposures were likely to cause clinically significant neurodegenerative disease, including Parkinson's disease;
- c. failed to conduct adequate research and testing to determine the extent to which exposure to paraquat was likely to occur through inhalation, ingestion, and absorption into the bodies of persons who used it, who were nearby while it was being used, or who entered fields or orchards where it has been sprayed or areas near where it has been sprayed;
- d. failed to conduct adequate research and testing to determine the extent to which paraquat spray drift was likely to occur, including its propensity to drift, the

distance it was likely to drift, and the extent to which paraquat spray droplets were likely to enter the bodies of persons spraying it or other persons nearby during or after spraying;

- e. failed to conduct adequate research and testing to determine the extent to which paraquat was likely to cause or contribute to cause latent neurological damage that was both permanent and cumulative, and the extent to which repeated exposures were likely to cause or contribute to cause significant neurodegenerative disease, including Parkinson's disease;
- f. failed to direct the paraquat be used in a manner that would have made it unlikely to be inhaled, ingested, and absorbed into the bodies of persons who used it, who were nearby while it was being used, or who entered fields or orchards where it had been sprayed or areas near where it had been sprayed; and
- g. failed to warn that paraquat was likely to cause neurological damage that was both permanent and cumulative, and repeated exposures were likely to cause clinically significant neurodegenerative disease, including Parkinson's disease.

97. Defendants and their corporate predecessor(s) knew or should have known that users would not realize the dangers of exposure to paraquat and negligently failed to take reasonable steps to prevent the foreseeable risk of harm from exposure to paraquat.

98. As a direct and proximate result of Defendants and their corporate predecessor(s)' negligence, Plaintiff suffered the injuries described in this Complaint.

99. Defendants' intentional disregard for the safety of users of Paraquat, including Plaintiff, justifies an award of punitive damages.

**COUNT IV**  
**Breach of Implied Warranty of Merchantability**

100. Plaintiff incorporates the preceding paragraphs as if fully rewritten herein.

101. At all times relevant, Defendants and their corporate predecessor(s) engaging in the business of designing, manufacturing, distributing, and selling paraquat and other restricted-use pesticides and held themselves out as having special knowledge or skill regarding paraquat and other restricted-use pesticides.

102. Plaintiff was exposed to Paraquat Products sold and used in Mississippi that

Defendants impliedly warranted that it was merchantable quality, including that it was fit for the ordinary purposes for which such goods were used.

103. Defendants breached this warranty regarding each sale of Paraquat Products to which Plaintiff was exposed, in that it was not of merchantable quality because it was not fit for the ordinary purposes for which such goods were used, and in particular:

- a. it was designed, manufactured, formulated, and packaged such that it was likely to be inhaled, ingested, and absorbed into the bodies of persons who used it, who were nearby while it was being used, or who entered fields or orchards where it had been sprayed; and
- b. when inhaled, ingested, or absorbed into the bodies of persons who used it, who were nearby while it was being used, or who entered fields or orchards where it has been sprayed or areas near where it had been sprayed, it was likely to cause or contribute to cause latent neurological damage that was both permanent and cumulative, and repeated exposures were likely to cause or contribute to cause clinically significant neurodegenerative disease, including Parkinson's disease, to develop long after exposure.

104. As a direct and proximate result of the breaches of the implied warranty of merchantability by Defendants, Plaintiff developed neurological injuries; has suffered severe and permanent physical pain, mental anguish, and disability, and will continue to do so for the remainder of his life; has suffered the loss of a normal life and will continue to do so for the remainder of his life.

105. Defendants' intentional disregard for the safety of users of paraquat, including Plaintiff, justifies an award of punitive damages.

**COUNT V**  
**Public Nuisance**

106. Plaintiff incorporates all the preceding paragraphs as if fully rewritten herein.

107. At all times relevant to this claim, Defendants were engaged in the business of designing, manufacturing, distributing, and selling pesticides, and designed, manufactured, distributed, and sold Paraquat Products intending or expecting that it would be sold and used in

Mississippi.

108. The Paraquat Products that Defendants designed, manufactured, distributed, and sold and to which Plaintiff was exposed was used in the intended and directed manner or a reasonably foreseeable manner.

109. At all times relevant to this claim, Plaintiff had the right to a healthful environment while living and working in the State of Mississippi.

110. At all times relevant to this claim, Defendants owed a duty to the public, including Plaintiff and other persons whom they could reasonably foresee were likely to be in or near places where paraquat was being or recently had been used within the State of Mississippi, to provide and maintain a healthful environment in connection with their design, manufacture, distribution, and sale of pesticides, including Paraquat Products, in or for use within the State of Mississippi.

111. When Defendants designed, manufactured, distributed, and sold the Paraquat Products to which Plaintiff was exposed, it was reasonably foreseeable that Plaintiff and other members of the public were likely to be in or near places where paraquat was being or recently had been used.

112. In breach of the aforementioned duty to members of the public, including Plaintiff, in manufacturing, distributing, and selling Paraquat Products for use in the State of Mississippi, Defendants negligently, in that they:

- a. Designed, manufactured, formulated, and packaged paraquat to make it likely to be inhaled, ingested, and absorbed into the bodies of persons who used it, who were nearby while it was being used, or who entered fields or orchards where it had been sprayed or areas near where it had been sprayed or areas near where it had been sprayed;
- b. Designed, manufactured, formulated, and packaged paraquat such that when inhaled, ingested, or absorbed into the bodies of persons who used it, who were nearby while it was being used, or who entered fields or orchards where it had

been sprayed or areas near where it had been sprayed, it was likely to cause or contribute to cause latent neurological damage that was both permanent and cumulative, and repeated exposures were likely to cause or contribute to cause significant neurodegenerative disease, including Parkinson's disease;

- c. Performed inadequate testing or otherwise failed to perform any testing to determine the extent to which exposure to paraquat was likely to occur through inhalation, ingestion, and absorption into the bodies of persons who used it, who were nearby while it was being used, or who entered fields or orchards where it had been sprayed or areas near where it had been sprayed;
- d. Performed inadequate testing or otherwise failed to perform any testing to determine the extent to which paraquat spray drift was likely to occur, including its propensity to drift, the distance it was likely to drift, and the extent to which paraquat spray droplets were likely to enter the bodies of persons spraying it or other persons nearby during or after spraying;
- e. Performed inadequate testing or otherwise failed to perform any testing to determine the extent to which paraquat, when inhaled, ingested, or absorbed into the bodies of persons who used it, who were nearby while it was being used, or who entered fields or orchards where it had been sprayed or areas near where it had been sprayed, was likely to cause or contribute to cause latent neurological damage that was both permanent and cumulative, and the extent to which repeated exposures were likely to cause or contribute to cause clinically significant neurodegenerative disease, including Parkinson's disease, to develop long after exposure;
- f. Performed inadequate testing or otherwise failed to perform any testing to determine the extent to which paraquat, when formulated or mixed with surfactants or other pesticides or used along with other pesticides, and inhaled, ingested, or absorbed into the bodies of persons who used it, who were nearby while it was being used, or who entered fields or orchards where it had been sprayed or areas near where it had been sprayed, was likely to cause latent neurological damage that was both permanent and cumulative, and the extent to which repeated exposures were likely to cause or contribute to cause clinically significant neurodegenerative disease, including Parkinson's disease, to develop long after exposure;
- g. Directed that paraquat be used in a manner that made it likely to have been inhaled, ingested, and absorbed into the bodies of persons who used it, who were nearby while it was being used, or who entered fields or orchards where it had been sprayed or areas near where it had been sprayed; and
- h. Failed to design and provide a warning or caution statement that when inhaled, ingested, or absorbed into the bodies of persons who used it, who was nearby while it was being used, or who entered fields or orchards where it has been sprayed or areas near where it had been sprayed, paraquat was likely to cause

latent neurological damage that was both permanent and cumulative, and the extent to which repeated exposures were likely to cause or contribute to cause clinically significant neurodegenerative disease, including Parkinson's disease, to develop long after exposure.

113. As a direct and proximate result of the public nuisance created by Defendants, Plaintiff developed neurological injuries; has suffered severe and permanent physical pain, mental anguish, and disability, and will continue to do so for the remainder of his life; and has suffered the loss of a normal life and will continue to do so for the remainder of his life.

114. Defendants' intentional disregard for the safety of users of paraquat, including Plaintiff, justifies an award of punitive damages.

**COUNT VI**  
**Punitive Damages**

115. Plaintiff incorporates the preceding paragraphs as if fully rewritten herein.

116. Defendants' conduct as alleged herein was done with oppression, fraud, and malice. Defendants were fully aware of the safety risks of paraquat. Nonetheless, Defendants deliberately crafted their label, marketing, and promotion to mislead farmers and consumers.

117. This was not done by accident or through some justifiable negligence. Rather, Defendants knew that it could turn a profit by convincing the agricultural industry that paraquat did not cause Parkinson's disease, and that full disclosure of the true risks of paraquat would limit the amount of money Defendants would make selling paraquat in Mississippi.

118. Defendants' objective was accomplished not only through its misleading labeling, but through a comprehensive scheme of selective fraudulent research and testing.

119. Plaintiff was denied the right to make an informed decision about whether to purchase, use, or be exposed to an herbicide, knowing the full risks attendant to that use. Such conduct was done with conscious disregard of Plaintiff's rights.

120. There is no indication that Defendants will stop their deceptive and unlawful

marketing practices unless they are punished and deterred. Accordingly, Plaintiff requests punitive damages against the Defendants for the harms caused to Plaintiff.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff requests this Court to enter judgement in Plaintiff's favor and against Defendants for:

- a. Actual or compensatory damages in such amount to be determined at trial and as provided by applicable law;
- b. Exemplary and punitive damages sufficient to punish and deter Defendants and other from future fraudulent practices;
- c. Pre-judgement and post-judgement interest;
- d. Costs including reasonable attorneys' fees, court costs, and other litigation expenses; and
- e. Any other relief the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all issues so triable.

DATED: November 29, 2021.

[REDACTED]