

Jury Tells Bayer to Pay Ark. Rice Farmers \$48M

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(AP) - German conglomerate Bayer CropScience should pay a dozen Arkansas farmers nearly \$50 million for allowing a genetically altered strain of rice to escape into the commercial market, damaging rice prices in 2006, a jury ruled Thursday.

An attorney for the farmers, Scott Powell, said the jury decided on the judgment after less than two hours of deliberations Thursday afternoon in Lonoke County.

The farmers claimed an experimental rice strain developed by Bayer called Liberty Link was allowed to make its way into the stream of commercially marketed rice. Liberty Link was developed to withstand a popular herbicide that kills weeds in the fields.

The suit claimed that rice prices fell after the U.S. Department of Agriculture announced in August 2006 that trace amounts of Liberty Link rice were found in U.S. long-grain rice stocks.

Bayer argued that any damages farmers may have suffered were minimal, and didn't last long.

The case was the fourth to go to trial among dozens filed by rice-belt farmers against Bayer CropScience, a subsidiary of the German chemical giant that makes aspirin. Bayer faced judgments of \$4.5 million so far in the three cases it had lost before Thursday.

The amount awarded Thursday far exceeds a \$1 million judgment returned against Bayer by a Woodruff County jury in March.

Powell said he had asked jurors for \$55.9 million. The jury's award for compensatory damages matched the \$5.9 million the legal team had sought, Powell said. Jurors decided on \$42 million in punitive damages, rather than the \$50 million Powell's team had asked for.

"Considering the overwhelming evidence of recklessness and negligence, it was a fair and just verdict," Powell said.

The lead lawyer for Bayer, Dick Ellis, could not be reached for comment Thursday evening after business hours.

Liberty Link rice was developed so farmers could apply Liberty herbicide without fear that it would damage their crops.

No nation has approved genetically modified rice for the marketplace. Rice futures plummeted by \$150 million immediately after the contamination announcement. European nations quit accepting shipments of rice from the U.S. that hadn't been extensively tested to show they weren't contaminated. Japan banned all American rice.

Growers in Arkansas, California, Louisiana, Mississippi, Missouri and Texas filed lawsuits against Bayer.

The Lonoke County farmers argued that Bayer was not only negligent in its handling of Liberty Link rice, but acted with malicious intent by not announcing the contamination of the commercial rice-seed pool as soon as the company learned of it.

The suit claimed Bayer knew of the contamination as early as January 2006, before that year's crops were sowed. Powell said farmers didn't learn of the contamination until the USDA's announcement, when it was almost time to harvest crops.

Ellis, however, said that when Bayer determined that Liberty Link had shown up in commercial rice, it was immediately reported to the government.

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