



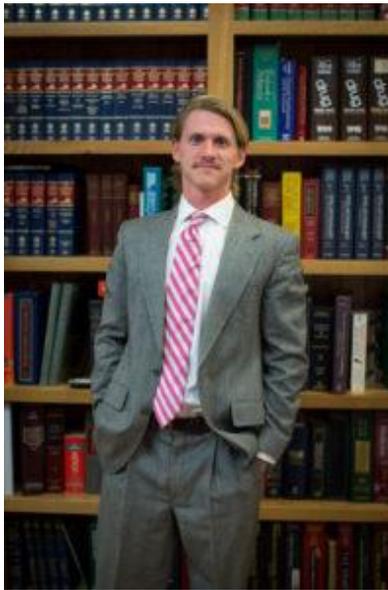
Memo N°2: Timothy LITZENBURG

Victim's Lawyer

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Timothy Litzenburg is an attorney at the Miller Firm in Virginia, United States of America. For most of his career Mr. Litzenburg has worked solely on behalf of persons injured by dangerous chemicals. He has spent much of the last several years in trials all over American against a large foreign pharmaceutical company, leading to a successful global settlement for all of those harmed.

Mr. Litzenburg represents approximately 1,000 people in the U.S. who developed non-Hodgkin lymphoma after using Monsanto's Roundup and has cases pending in state and federal courts across the country; the Miller Frim will be taking these cases to trial until and unless Monsanto agrees to provide fair and just compensation.

The American Jury: One of the most Effective Tools at our Disposal

I am a “trial lawyer,” a euphemism for an attorney who exclusively represents injured persons. My firm has been involved, for decades, in representing individuals in cases against giant, multi-national corporations with nearly unlimited resources.

The great equalizer in this David – versus – Goliath fight is the American civil jury system. These corporations can hire all of the best and most expensive attorneys in the country, wield unspeakable influence within the executive and legislative branches of American government, can buy scientists to put their names on studies, and are typically engaged in massive public relations campaigns to gather public sentiment on their side.

However, attorneys who are not easily intimidated and remain focused can get these cases to a place where none of that matters: civil American jury trials. When there is published science showing that these products can injure or kill consumers, it is generally possible to overcome the corporations’ myriad legal challenges and get to trial. In most American courts, a jury of between seven and twelve ordinary citizens, plucked from the surrounding area, will be the ultimate decision makers appointed to pass judgement on the company’s conduct.

As we all know, companies that claim to be focused on curing the world’s ills or “feeding the world” have only one true goal, maximizing revenue/profit. And, the only thing that will lead to a change in their conduct is to speak to them in this language.

In many American jurisdictions, unlimited “punitive damages” are available to juries. This means that, after awarding an amount of money to an injured individual to adequately compensate him or her, the jury can turn its focus purely to punishing the company’s conduct and deterring future misconduct. For example, after awarding a plaintiff injured by a pharmaceutical drug approximately \$1 million to compensate him for his cancer, a jury in Louisiana in 2014 levied a punitive damages award of nine billion dollars against the two pharmaceutical companies, Eli Lilly and Takeda.

Under American laws it is very difficult or nearly impossible for litigants to prompt a change in warnings or formulations through the legal system; that is the province of the government. This change, then, must be brought about indirectly by affecting the company’s capital and profits.

Monsanto’s Roundup products, containing the active ingredient glyphosate, are among the most important to the company. Its growing genetically modified seeds business has been bootstrapped to Roundup sales – these crop seeds are called “Roundup Ready” and are intended to be resistant to the chemical.

Roundup is used all over the world by farmers, landscapers, and homeowners. According to Monsanto, it is “practically non-toxic” and does no harm to human health. This has been contradicted by independent, peer-reviewed science in recent years.

Results from epidemiological studies show that significant exposure to glyphosate can double or triple the risk of developing non Hodgkin lymphoma, an insidious cancer of the lymph system. And, in March of 2015, the International Agency for Research on Cancer, a component of the World Health Organization and widely considered to be the authority on what causes cancer and what doesn’t, declared glyphosate to be a “probable human carcinogen.”

Roundup products also contain the known carcinogens formaldehyde and dioxane, and the surfactant known as POEA- which is basically animal fat. The addition of these chemicals to glyphosate, particularly POEA, is thought by independent scientists to have a “synergistic” effect, multiplying the carcinogenic properties of the glyphosate alone.

My law firm, the Miller Firm, in Virginia, represents approximately 1,000 Americans who had significant exposure to Roundup products and were later diagnosed with non-Hodgkin lymphoma. None of these clients could have known that the product causes cancer; indeed, Monsanto publicly denies that to this day. Fortunately, the decisions on fault and compensation will be made by American juries. We have cases filed from coast to coast in America, in both federal and state courts. We are likely at least a year away from the first trials of these cases, and there is much work to be done. However, we are gathering astounding evidence of Monsanto’s wanton and reckless behavior and indifference to the health of farmers and other consumers, all in the name of profit.

We have the privilege of being able to ask a panel of ordinary Americans, again and again, all over the country, whether Roundup causes cancer and whether Monsanto misbehaved in failing to disclose that and continuing to heavily market and profit from the product. Once enough of these juries have taken money from this corporation and awarded it to people whose lives have been ruined by this product, it is our sincere hope that Monsanto will learn to change its behavior, and that other chemical companies will take notice and alter their own practices.