

## **Syngenta Loses Bid to Duck Claims in Suit over Herbicide Contamination**

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In what plaintiffs lawyers described as a watershed ruling in U.S. litigation against the Swiss agrochemical company Syngenta, a federal judge in Illinois ruled last Wednesday that Syngenta must stand alongside its American subsidiary to face claims that the companies fouled water supplies across the midwest.

In [a 25-page order](#) released just before the Thanksgiving holiday, Benton, Ill., federal district court judge J. Phil Gilbert denied a motion to dismiss Syngenta AG, the Swiss holding company for the maker of weed killer Atrazine, from a water contamination suit brought by a group of midwestern public water providers. The suit named both Syngenta and its U.S. unit Syngenta Crop Protection Inc., which produces Atrazine.

Although Syngenta AG has no employees and its sole business is owning shares in other Syngenta entities, Judge Gilbert found that the Syngenta group of companies functions more like "a monolithic corporation controlled by SAG" than as a group of independent-but-related companies. "SAG's control of SCPI exceeds that which is consistent with investor status, and SAG is therefore subject to the personal jurisdiction of this Court," Judge Gilbert wrote.

The plaintiffs are represented in the suit by a team of lawyers from Korein Tillery in St. Louis and Baron & Budd in Dallas. In [a statement released Sunday](#), Korein Tillery's Stephen Tillery said that the Swiss parent was included in the plaintiffs' suit because "it was Syngenta's Swiss-based management that made the important decisions that ultimately injured our clients."

"Judge Gilbert's ruling vindicates our position that the upper management of foreign companies that earn billions of dollars in the U.S. cannot hide behind convoluted corporate structures to escape answering for their decisions in U.S. courts," Tillery said. According to the plaintiffs, the ruling is the first to find that U.S. courts have jurisdiction over Syngenta AG.

The underlying suit dates back to March 2010, when a group of 22 public water providers from six states across the Midwest sued SCPI and SAG for allegedly continuing to sell Atrazine in the U.S. despite evidence that the herbicide would contaminate the lakes, rivers, and reservoirs the plaintiffs use to supply drinking water. Although it is banned in the European Union, Atrazine is commonly used elsewhere to fight weeds in corn, grain sorghum, sugar cane and other crops. The plaintiffs are seeking to recover the costs of removing Atrazine from drinking water and a declaration that SAG and SCPI will be liable to pay future costs associated with Atrazine removal.

Syngenta Crop Protection and Syngenta AG are represented in the litigation by McDermott Will & Emery, Adams and Reese, and Reeg Lawyers, LLC. McDermott partner Michael Pope

referred our request for comment to Syngenta. "Syngenta's position in this matter is clear from the pleadings filed and various past arguments made before the Court," the company said in a statement. "We look forward to addressing the substantive issues of the case when it comes to trial."