UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

DOUG HOLLIDAY, individually and on behalf of all others similarly situated,	)	
Plaintiff,	)	No.
v.	)	JURY TRIAL DEMANDED
SYNGENTA AG; SYNGENTA CROP PROTECTION, LLC; AND CHEVRON USA INC.,	)	
Defendants.	)	

CLASS ACTION COMPLAINT

Plaintiff Doug Holliday ("Plaintiff," "Plaintiff Holliday" or "Mr. Holliday), on behalf of himself and all others similarly situated, by and through counsel and pursuant to the Federal Rules of Civil Procedure, brings this Class Action Complaint against Defendants ("Defendants") and alleges as follows:

INTRODUCTION

1. Paraquat is a synthetic chemical compound that has been used since the mid-1960s as an herbicide throughout the United States, including in Iowa. It is the most highly acutely toxic herbicide to be marketed over the last 70 years and is banned in more than 30 countries, including in the European Union and China.

2. Defendants Syngenta Crop Protection LLC, Syngenta AG, and Chevron U.S.A., Inc. (collectively, and with their predecessors-in-interest, "Defendants") developed, registered, manufactured, marketed, distributed, sold, and used Paraquat in the United States and in Iowa. For decades, Defendants knew or should have known that Paraquat is toxic to humans and causes

Parkinson's Disease ("Parkinson's"), a degenerative, debilitating neuromuscular disorder for which there is no cure.

3. Plaintiff Holliday has been farming his land in Greenfield, Iowa for decades. In the 1990s and more recently, Mr. Holliday sprayed Paraquat on his ground crops.

4. Defendants knew that, when used as directed and/or in a reasonably foreseeable manner, consumers (including Plaintiff) would be exposed to Paraquat, including through the epithelial tissues, respiratory system, and digestive system, and that this exposure significantly increased the risk that Plaintiff and consumers would develop Parkinson's Disease.

5. Despite this knowledge, Defendants did not adequately warn Plaintiff or Paraquat consumers that their use of and exposure to Paraquat significantly increased their risk of developing Parkinson's Disease. Nor did Defendants (a) adequately test Paraquat to, among other things, determine the nature and extent of exposure under all relevant conditions, including when mixed in particular formulations, or (b) formulate or label Paraquat so to render such exposure unlikely. Instead, Defendants sold Paraquat with complete disregard and reckless indifference to the safety of Plaintiff and members of the Nationwide Class defined as: "All persons in the United States who used or were exposed to Paraquat and who have not been diagnosed with Parkinson's Disease."

6. Accordingly, Plaintiff seeks equitable relief for himself and the Medical Monitoring Class in the form of medical monitoring as a result of their use of and exposure to Paraquat, which has caused them to sustain an increased risk of developing Parkinson's disease.

THE PARTIES

A. Plaintiff

7. Plaintiff Holliday is and was a citizen of the State of Iowa and the United States at all times relevant to this action. Plaintiff Holliday grows crops upon and farms thousands of acres

of land in Greenfield, Iowa. In the 1990s, Mr. Holliday purchased and used Paraquat on thousands of acres of crop ground for many years. Approximately three years ago, Mr. Holliday purchased and sprayed Paraquat on approximately 450 acres of crop ground. Plaintiff was exposed to Paraquat when it was mixed, loaded, applied, and/or cleaned; as a result of spray drift; and/or as a result of contact with sprayed plants. As a direct and proximate result of using Paraquat, Plaintiff is at an increased risk for developing Parkinson's Disease and is in need of regular monitoring. Plaintiff would not have used this particular pesticide had he known it would subject him to a significantly increased risk of developing Parkinson's Disease, as well as the costs associated with diagnoses, medication, treatment, and other costs and procedures. Until recently, Plaintiff did not know that Paraquat can cause Parkinson's Disease.

B. Defendants

8. Defendant Syngenta Crop Protection LLC ("SCP") is a Delaware company with its principal place of business in Greensboro, North Carolina. SCP is a wholly-owned subsidiary of Defendant Syngenta AG.

9. Defendant Syngenta AG ("SAG") is a foreign corporation with its principal place of business in Basel, Switzerland.

10. Defendant Chevron U.S.A., Inc. ("Chevron") is a Pennsylvania corporation with its principal place of business in San Ramon, California.

11. U.K. manufacturer Imperial Chemical Industries Ltd. (a/k/a Imperial Chemical Industries PLC ("ICI") first introduced Paraquat to world markets in or about 1962 under the brand name GRAMOXONE®.

12. In or about 1971, ICI created or acquired a wholly-owned U.S. subsidiary organized under the laws of the State of Delaware, which was ultimately known as ICI Americas Inc. ("ICI Americas").

13. Chevron Chemical Company was a corporation organized under the laws of the State of Delaware. Pursuant to distribution and licensing agreements with ICI and ICI Americas, Chevron Chemical Company had exclusive rights to distribute and sell Paraquat in the United States and did, in fact, manufacture, formulate, distribute, and sell Paraquat in the United States, including in Iowa and for use in Iowa, from approximately 1964 to 1986.

14. Chevron is the successor-in-interest to Chevron Chemical Company. At all relevant times, Chevron Chemical Company acted as the agent of Chevron in selling and distributing Paraquat in the United States and Iowa, and was acting in the scope of its agency. Chevron is liable for the acts of its agent.

15. From approximately 1964 to 1986, pursuant to distribution and licensing agreements between Chevron Chemical Company, SAG's and/or SCP's predecessors-in-interest, ICI and ICI Americas, manufactured some or all of the Paraquat that Chevron Chemical Company distributed and sold in the United States, including in and for use in Iowa.

16. During this same time, pursuant to distribution and licensing agreements between and among them, ICI, ICI Americas, and Chevron Chemical Company acted in concert to register, manufacture, formulate, distribute, and sell (through Chevron Chemical Company) Paraquat for use in the United States, including in and for use in Iowa. Their respective successors-in-interest, SAG, SCP, and Chevron, are jointly liable for the resulting injuries alleged herein.

17. After 1986, SCP (and/or its predecessors-in-interest) sold and distributed, and continue to sell and distribute, Paraquat in the United States, including in and for use in Iowa.

18. As a result of corporate mergers and restructuring, SAG is the successor-in-interest to ICI, and SCP is the successor-in-interest to ICI Americas, Inc.

19. From approximately 1964 to present, the SCP and SAG (collectively, "Syngenta"), or their predecessors-in-interest, have manufactured, formulated, distributed, and sold Paraquat for use in the United States, including in and for use in Iowa.

20. At all relevant times, each Defendant was the agent, servant, employee, joint venturer, alter ego, successor-in-interest, and predecessor-in-interest of each of the other, and was acting within the course and scope of their agency, service, joint venture, alter ego relationship, employment, and corporate relationship. The acts of each Defendant are legally attributable to each and every other Defendant.

JURISDICTION AND VENUE

21. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332, as amended by the Class Action Fairness Act, 28 U.S.C. § 1332(d)(2), because (a) there are at least 100 class members; (b) the matter in controversy exceeds $5 million, exclusive of interest and costs; (c) there is complete diversity of the Plaintiff and the Defendants; and (c) members of the class, including Plaintiff, are citizens of a state and at least one of the Defendants is a citizen or subject of a foreign state.

22. The Court has personal jurisdiction over the Defendants because they have sufficient minimum contacts in Iowa to render the exercise of jurisdiction by this Court proper and fair.

23. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) and (c)(2) because a substantial part of the acts giving rise to Plaintiff's claims occurred in this District and because Defendants are subject to personal jurisdiction within this District.

FACTUAL ALLEGATIONS

A. Paraquat Development, Regulation, Toxicity, and Routes of Exposure.

24. Since 1964, Paraquat has been used in the United States 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.

25. Paraquat was commonly used multiple times per year on the same land, particularly when it was employed to control weeds in orchards or on multiple-crop farms. These uses were intended or directed by, known to, and/or reasonably foreseeable to the Defendants.

26. The Paraquat that Defendants manufactured, distributed, sold, and sprayed or caused to be sprayed was typically sold to end-users in the form of liquid concentrates (and less commonly in the form of granular solids) that were designed to be diluted with water before or after loading it into the tank of a sprayer and applied by spraying it onto target weeds.

27. Defendants manufactured, distributed, sold, and sprayed or caused to be sprayed Paraquat that was typically formulated with one or more surfactants, so as to increase the ability of the herbicide to stay in contact with the leaf, penetrate the leaf's waxy surface, and enter into plant cells. The accompanying instructions typically told end-users to add a surfactant or crop oil (which, as typically formulated, contains a surfactant) before use.

28. Paraquat was and is typically applied using a knapsack sprayer, hand-held sprayer, aircraft (*i.e.*, crop duster), truck with attached pressurized tanks, and/or tractor-drawn pressurized tank, and such use was intended, directed, and/or reasonably foreseeable.

1. Paraquat Regulation Under State and Federal Law.

29. The Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. § 135 *et seq.*, regulates the distribution, sale, and use of pesticides within the United States and

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).

30. The Pesticide Act of Iowa requires that all pesticides "distributed, sold, or offered for sale or use" within Iowa, or "delivered for transportation or transported in intrastate commerce between points within the state through any point outside of [the] state" be registered pursuant to Iowa Code § 206.12. *See* Iowa Code § 206.1, *et seq.*

31. Paraquat was registered for distribution, sale, and manufacture in the United States and in Iowa.

32. FIFRA generally requires the registrant to conduct health and safety testing of pesticide products. The government is not required, nor is it able, to perform the product tests that are required of the manufacturer.

33. But registration by the EPA is not an assurance or finding of safety. In registering or re-registering a product, the EPA determines not that the product is "safe," but that its use 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).

34. The distribution or sale of a pesticide that is misbranded is an offense under FIFRA, which provides in relevant part that "it shall be unlawful for any person in the State to distribute or sell to any person … any pesticide which is … misbranded." 7 U.S.C. § 136j(a)(1)(E). It is also an offense under the Pesticide Act of Iowa.

35. A pesticide is misbranded under FIFRA if, among other things:

a. "its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients that 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 the Act, 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 that may be necessary and if complied with, together with any requirements imposed under section 136a(d) of the title, is adequate to protect health and the environment." 7 U.S.C. § 136(q)(1)(G).

36. A pesticide is misbranded under the Pesticide Act of Iowa 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," Iowa Code § 206.2(18)(a);

b. "if the labeling accompanying it does not contain directions for use which are necessary and if complied with adequate for the protection of the public," Iowa Code § 206.2(18)(b)(3);

c. "if the label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to living persons and other vertebrate animals," Iowa Code § 206.2(18)(b)(4); and

d. "if in the case of an … herbicide when used as directed or in accordance with commonly recognized practice it shall be injurious to living persons or other vertebrate animals, except weeds, to which it is applied, or to the person applying such pesticide." Iowa Code § 206.2(18)(7); *see also id.* at (8).

37. Because it is unlawful to sell a pesticide that is registered but nevertheless misbranded, manufacturers have a continuing obligation to adhere to FIFRA's labeling requirements. 7 U.S.C. §§ 136j(a)(1)(E), 136a(f)(2), and 136a(f)(1). The same is true under Iowa law. Iowa Code § 206.11.

38. Manufacturers are likewise obligated to report incidents involving a pesticide's toxic effects that may not be adequately reflected in its label's warnings. 40 C.F.R. 159.184(a), (b).

39. FIFRA further provides that: "[i]n 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).

40. As a result, a pesticide may be misbranded despite an EPA determination that it met FIFRA's registration criteria. In other words, notwithstanding its registration, a pesticide is misbranded if its label contains "false or misleading" statements, has inadequate instructions for use, or omits warnings or cautionary statements necessary to protect human health. Similarly, a pesticide may be found to cause unreasonable adverse effects on humans when used according to the approved label despite a determination by the EPA that it would not.

41. Plaintiff does not seek in this action to impose on Defendants any labeling or packaging requirements 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 warnings 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, that allegation 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; however, Plaintiff brings claims and seeks relief in this action only under state law, and does not bring any claims or seek any relief in this action under FIFRA.

2. Paraquat is Toxic.

42. Paraquat is highly toxic to plants and animals. It injures and kills humans and animals by creating oxidative stress that causes cell degeneration and death.

43. Inherent in Paraquat's chemical composition and structure are "redox properties." Paraquat is a strong oxidant that readily undergoes "redox cycling" in the presence of molecular oxygen, which is plentiful in living cells.

44. Paraquat's redox cycling in living cells interferes with cellular functions that are necessary to sustain life; *e.g.*, photosynthesis (in plants) and cellular respiration (in animals and humans). It also creates a "reactive oxygen species" known as superoxide radical. This is an extremely reactive molecule that can initiate a cascading series of chemical reactions that creates other reactive oxygen species that damages lipids, proteins, and nucleic acids—molecules that are essential components of the structures and functions of living cells.

45. Because Paraquat's redox cycling can repeat indefinitely under the conditions typically present in living cells, a single molecule of Paraquat can trigger the production of countless molecules of destructive superoxide radical.

46. Defendants knew or should have known (a) of Paraquat's redox properties, since at least the 1930s, and (b) that Paraquat is toxic to cells because it creates oxidative stress through redox cycling, since at least the 1960s.

47. Further, Defendants typically formulated their Paraquat concentrates to include surfactants, which were likely to further increase Paraquat's toxicity to humans by increasing its

ability to remain in contact with or penetrate the skin, mucous membranes, and other epithelial tissues.

48. These facts were not known to laypeople and consumers, including Plaintiff and the class members, and they could not and did not know that Paraquat causes an increased risk of Parkinson's Disease.

3. Paraquat Users, Including Plaintiff, Are Exposed Through Several Routes, All of Which Were Foreseeable and Known to Defendants.

49. It was reasonably foreseeable that when Paraquat was used in the manner intended or directed, or in a reasonably foreseeable manner,

a. users and persons nearby would be exposed to Paraquat while it was being mixed and loaded into the tanks of sprayers, including as a result of spills, splashes, and leaks;

b. persons who sprayed Paraquat or were in or near areas where it was being or recently had been sprayed would be exposed, including as a result of spray drift[1] and contact with sprayed plants; and

c. users and persons nearby would be exposed to Paraquat while the spraying equipment was being emptied, cleaned, or cleared, including as a result of spills, splashes, and leaks.

50. It was reasonably foreseeable that Paraquat could enter the human body:

a. through absorption or penetration of the skin, mucous membranes, and other epithelial tissues (including tissues of the mouth, nose, nasal passages,

[1] Spray drift is the movement of herbicide spray droplets from the target area to an area where herbicide application was not intended, typically by wind.

trachea, and conducting airways, particularly where abrasions, rashes, sores, or other tissue damage was present);

b. through the olfactory bulb;

c. through respiration into the lungs; and

d. through ingestion into the digestive tract of small droplets swallowed after entering the mouth, nose, or conducting airways.

51. It was reasonably foreseeable that once Paraquat entered the body, regardless of mechanism, it would enter the bloodstream and the brain (whether through the blood-brain barrier or to parts of the brain not protected by the blood-brain barrier).

B. Paraquat Exposure Significantly Increases the Risk of Parkinson's Disease.

52. Paraquat raises the risk of Parkinson's Disease by more than 300%.

53. Parkinson's is a progressive neurodegenerative disorder of the brain. Its characteristic symptoms are "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).

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

55. 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, often years before any of the primary motor symptoms appear. By the time motor symptoms occur, significant neurological damage has already occurred.

56. Parkinson's is commonly missed or misdiagnosed if symptoms—particularly early, pre-motor symptoms—are not evaluated by a physician specializing in neuromuscular disorders like Parkinson's.

57. Parkinson's is incurable. However, there are treatments that improve symptoms, slow disease progression, improve the patient's quality of life, and reduce future medical expenses. Thus, early diagnosis is both meaningful and important.

58. 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).

59. A primary pathophysiological hallmark of Parkinson's is the selective degeneration and death of dopaminergic neurons (dopamine-producing nerve cells) in a part of the brain called the substantia nigra pars compacta ("SNpc"). This decreases the production of dopamine.

60. Once dopaminergic neurons die, they are not replaced. And when enough dopaminergic neurons 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.

61. The presence of Lewy bodies (insoluble aggregates of a protein called lphasynuclein) in many of the remaining dopaminergic neurons in the SNpc is another one of the primary pathophysiological hallmarks of Parkinson's.

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

63. The same redox that makes Paraquat toxic to cells makes it toxic to dopaminergic neurons. Paraquat is a strong oxidant that interferes with the function of, damages, and ultimately kills dopaminergic neurons by creating oxidative stress through redox cycling.

64. Parkinson's is not known to occur naturally in any species other than humans. But Parkinson's research is often performed using "animal models" in which scientists artificially produce in laboratory animals conditions that show features of Parkinson's. Paraquat is one of only a handful of toxins that scientists use to produce animal models of Parkinson's.

65. 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, and motor deficits and behavioral changes consistent with those commonly seen in Parkinson's.

66. Hundreds of *in vitro* studies have found that Paraquat creates oxidative stress that results in the degradation and death of dopaminergic neurons (and many other types of animal cells).

67. Epidemiological studies have found an association between Paraquat exposure and Parkinson's, including multiple studies finding at least a two- to five-fold increase in the risk of Parkinson's in populations with occupational exposure, compared to those without.

68. These convergent lines of evidence (toxicology, animal experiments, and epidemiology) demonstrate that Paraquat exposure causes Parkinson's.

69. Despite the evidence demonstrating this heightened risk and causal link, Defendants continue to sell Paraquat, without properly warning consumers, properly testing Paraquat, or changing the formulation to reduce the likelihood of exposure.

CLASS ALLEGATIONS

70. Plaintiff brings this action in his individual capacity and on behalf of the following Class pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(2), 23(b)(3), and/or 23(c)(4): "All persons in the United States who used or were exposed to Paraquat and who have not been diagnosed with Parkinson's Disease."

71. Excluded from the Classes are Defendants and any of their affiliates, parents, subsidiaries, officers, and directors; any entity in which Defendants have a controlling interest; all persons who make a timely election to be excluded from the class; governmental entities; and all judges assigned to hear any aspect of this litigation, including their immediate family members.

72. Plaintiff reserves the right to modify or amend the class definitions, including the addition of one or more subclasses, after having the opportunity to conduct discovery.

73. Numerosity: Paraquat has been used for nearly 60 years across the country. The United States Geological Service estimates that in 2017 alone, more than 15 million pounds of Paraquat were used over thousands of miles of cropland. The members of the class are so numerous that joinder is impractical.

74. Typicality: Plaintiff's claims are typical of the claims of the class in that Plaintiff, like all class members, used and was exposed to Paraquat such that they have sustained a significantly increased risk of Parkinson's Disease. Plaintiff and the class members were injured through Defendants' common course of misconduct, and Plaintiff is advancing the same legal theories on behalf of himself and the class members.

75. Adequacy: Plaintiff will fairly and adequately protect the interest of each class. Plaintiff's interests and the interests of all other members of each respective class are identical, and Plaintiff is cognizant of his duty and responsibility to each respective class. Further, the interests of the Nationwide Class are not conflicting or divergent but, rather, are common.

Accordingly, Plaintiff can fairly and adequately represent the interests of both classes. Moreover, Plaintiff's counsel are competent and experienced in litigating class actions, including litigation of this kind. Plaintiff intends to vigorously prosecute this case and will fairly and adequately protect the Class Members' interests.

76. Commonality and Predominance: There are numerous questions of law and fact common to the class, and these common questions predominate over any issues affecting only individual class members. Questions common to the class include, but are not limited to:

a. Whether the Paraquat significantly increases the risk of Parkinson's Disease;

b. Whether Defendants knew or should have known that Paraquat significantly increases the risk of Parkinson's Disease;

c. Whether Defendants were negligent in selling Paraquat;

d. Whether Defendants failed to warn consumers regarding the risks of their Paraquat products;

e. Whether Defendants violated state standards and requirements for the marketing, warning, and reporting of their Paraquat products; and

f. Whether Plaintiffs and class members are entitled to equitable relief, including medical monitoring.

77. Superiority: a class action is superior to any other available means for the fair and efficient adjudication of this controversy, and no unusual difficulties are likely to be encountered in the management of this class action. The quintessential purpose of the class action mechanism is to permit litigation against wrongdoers even when damages to an individual plaintiff may not be sufficient to justify individual litigation. Here, the damages suffered by Plaintiffs and the Class are relatively small compared to the burden and expense required to individually litigate their

claims against Defendants, and thus, individual litigation to redress Defendants' wrongful conduct would be impracticable. Individual litigation by each Class member would also strain the court system, create the potential for inconsistent or contradictory judgments, and increase the delay and expense to all parties and the court system. By contrast, the class action device presents far fewer management difficulties and provides the benefits of a single adjudication, economies of scale, and comprehensive supervision by a single court.

78. Injunctive and Declaratory Relief: Class certification is also appropriate under Rule 23(b)(2) because Defendants have acted and refused to act on grounds generally applicable to the class as a whole, such that final injunctive relief is appropriate with respect to the class as a whole. Such injunctive relief includes, but is not limited to, the implementation and funding of a medical monitoring program for the Plaintiff and the class members that is sufficient to monitor their health and to ensure the beneficial early detection of diseases, specifically Parkinson's Disease, caused by exposure to Paraquat.

79. This action is also properly maintainable under Rule 23(c)(4) in that particular issues common to the class, as described in part in paragraph 76, are most appropriately and efficiently resolved via class action, and would advance the disposition of this matter and the parties' interests therein.

COUNT I: STRICT PRODUCTS LIABILITY—FAILURE TO WARN

80. Plaintiff incorporates by reference all preceding and subsequent paragraphs.

81. Defendants manufactured, distributed, and/or sold the Paraquat that Plaintiff and the class members used and to which they were exposed.

82. Defendants had a duty to warn Plaintiff and the class members regarding the known and knowable dangers of and potential risks posed by Paraquat, including the risk of Parkinson's Disease.

83. Paraquat had potential risks that were known or knowable in light of the scientific and medical knowledge that was generally accepted in the scientific and medical communities at the time of the manufacture, distribution, and/or sale of the products.

84. The potential risks, including the substantial risk of Parkinson's Disease, presented a substantial danger to Plaintiff and the class members when Defendants' Paraquat products were used or misused in an intended or reasonably foreseeable way.

85. Ordinary consumers, including Plaintiff and the class members, would not have recognized these potential risks, and Defendants knew this.

86. Defendants failed to adequately warn or instruct Plaintiff and the class members of the potential risks, including the risk of Parkinson's Disease. At the time that Plaintiff purchased and used Defendants' Paraquat, Defendants knew or should have known of the clear causal connection between Paraquat and Parkinson's Disease, but it did not disclose this information to Plaintiff and did not warn of the significantly greater risk of Parkinson's Disease posed by its product.

87. Defendants did or could have obtained this information from a variety of sources, including, but not limited to, its own studies; internal data; published reports and case studies; literature concerning the safety and efficacy of Paraquat; foreign regulatory analyses and communications; and complaints from consumers.

88. It was foreseeable to Defendants that their failure to provide sufficient instructions and/or warnings, and their failure to timely, adequately, and appropriately disclose the causal relationship between Paraquat and Parkinson's Disease, would expose Plaintiff and the class members to Paraquat and would cause them irreparable harm, including the increased risk of

developing Parkinson's Disease. Defendants knew that consumers, including Plaintiff and the class members, relied upon its labeling and disclosures.

89. If Plaintiff had been provided with the appropriate information and warnings regarding the causal connection between Paraquat and Parkinson's Disease, he would have been able to make an informed decision about using an alternative product that did not present such a high risk of Parkinson's Disease. Plaintiff would not have selected Paraquat and would not be at an increased risk of developing Parkinson's Disease.

90. Because Plaintiff and the class members have been exposed to Paraquat and are at an increased risk of developing Parkinson's Disease, they require diagnostic testing different from that provided in routine medical care to promote early detection and treatment of Parkinson's Disease.

91. Defendants' conduct was a substantial factor in and proximately caused Plaintiff and the class members' injury and damages, including costs associated with necessary and ongoing medical monitoring.

COUNT II: STRICT PRODUCTS LIABILITY—DESIGN DEFECT

92. Plaintiff incorporates by reference all preceding and subsequent paragraphs.

93. Defendants manufactured, distributed, and/or sold the Paraquat that Plaintiff and the class members used and to which they were exposed.

94. Defendants' Paraquat was in a defective condition that made it unreasonably dangerous, because when used in the intended, directed, and/or reasonably foreseeable manner,

a. it was likely to be inhaled, ingested, and absorbed into the bodies of persons who used it, who were nearby when it was being used, or who entered fields or orchards where it had been sprayed (or areas near to where it had been sprayed); and

b. when inhaled, ingested, or absorbed, it was likely to cause an increased risk of Parkinson's.

95. This defective condition existed at the time that Paraquat left Defendants' control and was placed in the stream of commerce. As a result, the product failed to perform in the manner reasonably expected in light of its nature and intended function, and/or the magnitude of its dangers outweighed its utility.

96. The potential risks that were known or knowable in light of the scientific and medical knowledge that was generally accepted in the scientific and medical communities at the time of the manufacture, distribution, and/or sale of the products.

97. The potential risks, including the substantial risk of Parkinson's Disease, presented a substantial danger to Plaintiff and the class members when Defendants' Paraquat products were used or misused in an intended or reasonably foreseeable way.

98. Ordinary consumers, including Plaintiff and the class members, would not have recognized these potential risks, and Defendants knew this.

99. At the time that Plaintiff purchased and used Defendants' Paraquat, Defendants knew or should have known of the clear causal connection between Paraquat and Parkinson's Disease, but they did not disclose this information to Plaintiff and did not warn of the significantly greater risk of Parkinson's Disease posed by their product.

100. Defendants did or could have obtained this information from a variety of sources, including, but not limited to, their own studies; internal data; published reports and case studies; literature concerning the safety and efficacy of Paraquat; foreign regulatory analyses and communications; and complaints from consumers.

101. It was foreseeable to Defendants that their conduct and Paraquat's defective nature would expose Plaintiff and the class members to Paraquat and would cause them irreparable harm, including the increased risk of developing Parkinson's Disease. Defendants knew that consumers, including Plaintiff and the class members, relied upon the product's labeling and disclosures.

102. Because Plaintiff and the class members have been exposed to Paraquat and are at an increased risk of developing Parkinson's Disease, they require diagnostic testing different from that provided in routine medical care to promote early detection and treatment of Parkinson's Disease.

103. Defendants' conduct was a substantial factor in and proximately caused Plaintiff and the class members injury and damages, including costs associated with necessary and ongoing medical monitoring.

COUNT III: NEGLIGENCE

104. Plaintiff incorporates by reference all preceding and subsequent paragraphs.

105. Defendants have a continuing duty to monitor their Paraquat products and to discover and disclose any complaints or concerns about product performance or safety. Defendants also have a continuing duty to provide warnings and instructions regarding potential safety hazards associated with the use of Paraquat.

106. Defendants breached these duties by, *inter alia,* failing to: (a) comply with applicable reporting and monitoring requirements; (b) failing to design, manufacture, formulate, label, and package Paraquat to make it less likely that Plaintiff and the class members would be exposed; (c) failing to perform adequate testing regarding consumer and user exposure to Paraquat; (d) failing to warn Plaintiff and the class members of the serious risks posed by their Paraquat products, including the risk of Parkinson's Disease; and (e) continuing to manufacture, distribute and/or sell their Paraquat products notwithstanding these facts.

107. A reasonable manufacturer, distributor, and/or seller under the same or similar circumstances would have warned of the danger of Parkinson's Disease posed by Paraquat, reformulated the product, and performed adequate testing.

108. If Plaintiff and the class members had been provided with the appropriate information and warnings regarding the causal connection between Paraquat and Parkinson's, they would have been able to make an informed decision about using an alternative product that did not present such a high risk of Parkinson's. Plaintiff and the class members would not have selected Paraquat and would not be at an increased risk of developing Parkinson's.

109. Defendants' breaches were a substantial factor in and proximately caused Plaintiff and the class members to be at an increased risk for developing Parkinson's and in need of ongoing medical monitoring.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf all others similarly situated, requests that this Court:

A. Enter an order certifying this action as a class action under Federal Rules of Civil Procedure 23(a), (b)(1), (b)(2), (b)(3), and/or (c)(4), as appropriate; appointing Plaintiff as representative of the class; and appointing the undersigned counsel as class counsel;

B. Award Plaintiff and the Class members equitable relief in the form of medical monitoring, including, but not limited to, the costs of diagnostic testing;

C. Award other appropriate equitable relief;

D. Award reasonable attorneys' fees and costs, as provided for by law; and

E. Grant such other and further relief that the Court may deem just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff requests a trial by jury of all issues triable as of right.

Dated: May 3, 2021

Doug Holliday, individually and on behalf of all others similarly situated,

By:_____

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