

Bayer won't appeal first glyphosate-cancer verdict to the U.S. Supreme Court

Bayer will not appeal a \$20.5 million Roundup verdict—the first Roundup verdict in the nation—to the U.S. Supreme Court, the company announced [March 19].

The decision will end the litigation brought by Dewayne Johnson against Bayer's Monsanto over claims its Roundup pesticide caused his non-Hodgkin lymphoma. A California jury awarded Johnson a \$289 million verdict in 2018, reduced [to \\$20.5 million](#) on appeal.

...

Bayer said the case is not the best fit for Supreme Court review because the [underlying opinion](#) was issued by an intermediate-level state court, California's First District Court of Appeal, and the portion dealing with whether [federal law preempts](#) the state's duty-to-warn theory is unpublished, and "thus will have no bearing on any case besides Johnson['s]."

In October, the U.S. Court of Appeals for the Ninth Circuit [heard arguments](#) on whether to reverse an \$80 million Roundup verdict based on federal preemption in a case brought by Edwin Hardeman.

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In contrast, the company said, "the Hardeman case, regardless of its outcome in the U.S. Court of Appeals, is a better candidate for Supreme Court review because the intermediate federal court is expected to publish a decision addressing the most significant federal questions at issue in the Roundup litigation, including preemption and the admissibility of expert evidence."

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