

IN THE CIRCUIT COURT OF LAFAYETTE COUNTY, ARKANSAS

CASE NO. 37CV-22-28

BUNDRICK FARM PARTNERSHIP, by and through
WILLIAM STEWART BUNDRICK, JR., General Partner, and
MICHELE BUNDRICK, General Partner

v.

NUTRIEN AG SOLUTIONS, INC., a Delaware corporation;
SYNGENTA SEEDS, LLC, a Delaware limited liability company;
SYNGENTA CROP PROTECTION, LLC, a Delaware limited
liability company; and JOHN DOES 1-5,
UNKNOWN DEFENDANTS

PLAINTIFFS
FILED
10:41 AM
JUL 05 2022
D. Hurley DC
VALARIE CLARK
CIRCUIT CLERK
LAFAYETTE COUNTY, AR

DEFENDANTS

COMPLAINT

Plaintiff, Bundrick Farm Partnership, a general partnership, by and through its undersigned counsel, files this Complaint against Defendants Nutrien Ag Solutions, Inc., a Delaware corporation; Syngenta Seeds, LLC, a Delaware limited liability company; Syngenta Crop Protection, LLC, a Delaware limited liability company; and John Does 1-5, Unknown Defendants, and states the following:

1. Plaintiff, Bundrick Farm Partnership, a general partnership ("Plaintiff"), leases certain real property located in Lafayette County, Arkansas more particularly described as All of Section 22 and the East one half of Section 21, all in Township 19 South, Range 26 West, Lafayette County, Arkansas, containing 960 acres, more or less.
2. William Stewart Bundrick, Jr. and Michele Bundrick, residents of Bossier City, Louisiana, are the general partners of Bundrick Farms Partnership and are authorized by the partnership to bring this action.

3. Bundrick Farm Partnership leases and farms 960 acres of rice fields in Lafayette County, more commonly referred to as FSA Farm #322 and FSA Farm #1808. Farm 322 is 151.64 acres of unlevelled, terrace levee rice fields. Farm 1808 is 711 acres precision leveled, zero grade rice fields on a section and a half. The property which is the subject of this suit is FSA Farm #1808.
4. Defendant, Nutrien Ag Solutions, Inc., is a Delaware corporation authorized to do business in Arkansas, with its principal address at 13131 Lake Fraser Drive SE, Calgary, AR 72201. During the crop year 2020, Nutrien Ag Solutions, Inc. distributed Syngenta CruiserMaxx rice seed and treatment for Bundrick Farm Partnership's farming operations at FSA Farm #1808. Nutrien Ag Solutions, Inc. may be served with process by serving its registered agent, CT Corporation System, 124 West Capitol Ave., Suite 1900, Little Rock, AR 72201.
5. Defendant, Syngenta Crop Protection, LLC, is a Delaware limited liability company authorized to do business in Arkansas. During the crop year 2020, Syngenta Crop Protection, LLC developed and marketed Syngenta CruiserMaxx seed treatment, which was applied at Bundrick Farm Partnership's farming operations at FSA Farm #1808. Syngenta Crop Protection, LLC may be served with process by serving its registered agent, CT Corporation System, 124 West Capitol Ave., Suite 1900, Little Rock, AR 72201.

6. Defendant, Syngenta Seeds, LLC, is a Delaware limited liability company authorized to do business in Arkansas. During the crop year 2020, Syngenta Seeds, LLC Bundrick Farm Partnership's farming operations developed and marketed Syngenta CruiserMaxx rice seed, which was planted at Bundrick Farm Partnership's farming operations at FSA Farm #1808. Syngenta Seeds, LLC may be served with process by serving its registered agent, CT Corporation System, 124 West Capitol Ave., Suite 1900, Little Rock, AR 72201.
7. The real property which is the subject of this suit is located in Lafayette County, Arkansas.
8. This Court has jurisdiction over the subject matter and parties to this action.
9. Venue is proper in Lafayette County, Arkansas.
10. Plaintiff brings this suit to recover for property damage and lost profits sustained as a result of seed treatment failure involving the 2020 crop.
11. Farm 1808 was burned down and rain flooded in mid-March 2020.
12. The plan was to water seed rice on Farm 1808.
13. Bundrick Farm Partnership contacted NutrienAg Solutions, Inc. to acquire the seed for Farm 1808.
14. NutrienAg Solutions, Inc. knew that Bundrick Farm Partnership planned to water seed the rice on Farm 1808 and to use an aerial application on the farm.
15. Based on Bundrick Farm Partnership's request for the seed and planned application, NutrienAg Solutions, Inc. sold to Bundrick Farm Partnership

Syngenta CruiserMaxx rice seed and delivered the seed to the airport for aerial application. See Dixie Flying Service, Inc. invoices collectively attached hereto as **Exhibit A**.

16. Having prior extensive experience with water seeding rice, Bundrick Farm Partnership's general partner, William Stewart Bundrick, Jr., pays particular attention to management of rice water weevils and requests maximum insecticide application on the seed prior to planting.
17. Farm 1808 was rain flooded post burndown and soon after was air seeded with HorizonAg Clearfield163 semi-dwarf rice variety. Some spot planting on Farm 1808 was required due to waterfowl degradation.
18. Additional herbicide and scheduled air application of fertilizers began on time.
19. Crop stands on Farm 1808 were good until about the 16th of June when root pruning, nitrogen deficiency and plants falling over in the water was noticed. Further inspection confirmed rice water weevil larvae feeding on plant roots.
20. Plaintiff ordered the Syngenta CruiserMax seed treatment from NutrienAg Solutions, Inc. at the highest rate and overplanted to maximize chemical treatment and prevent this exact scenario from happening. See NutrienAg Solutions invoices collectively attached hereto as **Exhibit B**.
21. NutrienAg Solutions, Inc. was well aware of Bundrick Farm Partnership's intention to overplant when it supplied the CruiserMaxx rice seed.

22. William Stewart Bundrick, Jr. immediately called Ben Watts of Nutrien Ag Solutions, Inc. d/b/a Agrian, who supplied the seed and treatment, and requested that he get Syngenta involved.
23. Despite Plaintiff's request, neither Nutrien Ag Solutions, Inc. d/b/a Agrian nor a Syngenta representative ever looked at the fields.
24. Plaintiff had to drain the fields dry, cracking soil to kill the weevil larvae. As a result, Plaintiff lost all its water and there were significant fertilizer losses. Additional pumping, application, chemical and fertilizer costs also resulted. The plant stands never recovered and large areas of plants were lost on this farm.
25. Rice from Farm 1808 was stored in two 55,000 bushel bins in Gin City, AR.
26. Yield from Farm 1808 was 63,892 bushels (89.1 bu/ac).
27. After the yields were known, Plaintiff talked to Ben Watts again and asked what could be done for the missing 40 bushels/acre of production from Farm 1808. Watts said he would talk to the Syngenta representative.
28. No Syngenta representative has ever contacted Plaintiff.
29. As a direct and proximate result of Defendants' negligence, Plaintiff has suffered damages asserted above.
30. Plaintiff has been damaged in a sum in excess of the minimum jurisdictional limits of this Court.
31. Plaintiff demands a trial by jury.

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