| 1 ERIC A. POLICASTRO (CA SBN: 264605) Admission Pending cpolicastro@filawfirm.com 2 cpolicastro@filawfirm.com 3 Admission Pro Hac Vice Anticipated mm@filawfirm.com PATRICK A. LUFF (TX SBN: 24092728) 4 Admission Pro Hac Vice Anticipated putf@filawfirm.com FF ARS NACHAWATI, PLLC 5473 Blair Road Dallas, Texas 75231 1 Telephone: (214) 890-0711 18 Telephone: (214) 890-0711 19 Attorneys for Plaintiff 10 UNITED STATES DISTRICT COURT 11 FOR THE NORTHERN DISTRICT OF CALLFORNIA 12 Plaintiff, 13 Plaintiff, 14 PAUL RAKOCZY, 15 Plaintiff, 16 vs. 17 SYNGENTA CROP PROTECTION LLC, 18 Defendants. 17 SYNGENTA AG, CHEVRON U.S.A. INC., and 18 Defendants. | | Case 3:21-cv-02083-EMC Documen | t 1 Filed 03/25/21 Page 1 of 38 | |
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| 2 epolicastro@fhlawfirm.com N. MAJED NACHAWATI (TX SBN: 24038319) Admission Pro Iac Vice Anticipated mm@fnlawfirm.com PATRICK A. LUFF (TX SBN: 24092728) 3 Admission Pro Hac Vice Anticipated pluff@fnlawfirm.com 6 FEARS NACHAWATI, PLLC 5473 Blair Road Dallas, Texas 75231 7 7 9 7 9 10 11 12 13 14 15 16 17 18 19 16 17 18 19 10 10 11 12 13 14 15 16 17 18 29 10 17 18 21 22 23 24 </td <td>1</td> <td></td> <td></td> <td></td> | 1 | | | |
| N. MAJED NACHAWATI (TX SBN: 24038319) Admission Pro Hac Vice Anticipated mm@finlawfirm.com PATRICK A. LUFF (TX SBN: 24092728) Admission Pro Hac Vice Anticipated pluff@finlawfirm.com FEARS NACHAWATI, PLLC 5473 Blair Road Dallas, Texas 75231 Telephone: (214) 890-0711 Facsimile: (214) 890-0712 <i>Mitorneys for Plaintiff</i> Image: Interpret States District Court FOR THE NORTHERN DISTRICT OF CALIFORNIA PAUL RAKOCZY,) Civil Action No.: 4:21-ev-2083 Plaintiff,) vs.) SYNGENTA CROP PROTECTION LLC, SYNGENTA AG, CHEVRON U.S.A. INC., and) DOES 1 through 50, inclusive,) Defendants.) | | | | |
| Indiasion Por Harver and Constrained in the second secon | | N. MAJED NACHAWATI (TX SBN: 24038319) | | |
| PATRICK A. LUFF (TX SBN: 24092728) Admission Pro Hac Vice Anticipated pluff@filawfirm.com FEARS NACHAWATI, PLLC 5473 Blair Road Dallas, Texas 75231 Telephone: (214) 890-0711 Facsimile: (214) 890-0712 4ttorneys for Plaintiff UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA PAUL RAKOCZY,) Plaintiff,) Vs.) Plaintiff,) Vs.) Civil Action No.: 4:21-ev-2083 Plaintiff,) Vs.) Defendants. Defendants. | | | | |
| pluff@fnlawfirm.com FEARS NACHAWATI, PLLC 5473 Blair Road Dallas, Texas 75231 Telephone: (214) 890-0711 Facsimile: (214) 890-0712 Attorneys for Plaintiff UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA PAUL RAKOCZY,) Civil Action No.: 4:21-ev-2083 Plaintiff,) vs.) ORIGINAL COMPLAINT SYNGENTA CROP PROTECTION LLC, SYNGENTA AG, CHEVRON U.S.A. INC., and DOES 1 through 50, inclusive,) Defendants. | | PATRICK A. LUFF (TX SBN: 24092728) | | |
| PLAKE INCLAVANT, FLEC 5473 Blair Road Dallas, Texas 75231 Telephone: (214) 890-0711 Facsimile: (214) 890-0712 <i>Attorneys for Plaintiff</i> UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA PAUL RAKOCZY,) Civil Action No.: 4:21-ev-2083 Plaintiff,) vs.) Plaintiff,) vs.) SYNGENTA CROP PROTECTION LLC, SYNGENTA AG, CHEVRON U.S.A. INC., and DOES 1 through 50, inclusive,) Defendants. JURY TRIAL DEMANDED Defendants. | | pluff@fnlawfirm.com | | |
| 7 Dallas, Texas 75231 8 Telephone: (214) 890-0711 9 Attorneys for Plaintiff 10 Attorneys for Plaintiff 11 UNITED STATES DISTRICT COURT 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA 14 PAUL RAKOCZY,) 15 Plaintiff,) 16 vs.) 17 SYNGENTA CROP PROTECTION LLC,) SYNGENTA AG, CHEVRON U.S.A. INC., and) JURY TRIAL DEMANDED 19 Defendants.) 20 | | | | |
| 9 Facsimile: (214) 890-0712 10 Attorneys for Plaintiff 11 UNITED STATES DISTRICT COURT 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA 14 PAUL RAKOCZY,) 14 PAUL RAKOCZY,) 15 Plaintiff,) 16 vs.) 17 SYNGENTA CROP PROTECTION LLC, SYNGENTA AG, CHEVRON U.S.A. INC., and DOES 1 through 50, inclusive,) 19 Defendants.) 20 Defendants.) | | Dallas, Texas 75231 | | |
| Attorneys for Plaintiff UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA PAUL RAKOCZY, Plaintiff, vs. ORIGINAL COMPLAINT SYNGENTA CROP PROTECTION LLC, SYNGENTA AG, CHEVRON U.S.A. INC., and DOES 1 through 50, inclusive, Defendants. | | | | |
| 11 UNITED STATES DISTRICT COURT 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA 13 PAUL RAKOCZY, 14 PAUL RAKOCZY, 15 Plaintiff, 16 vs. 17 ORIGINAL COMPLAINT 18 Difendants. 19 Defendants. 20 Defendants. 21 Defendants. 22 California (Complaint Complaint) 23 Defendants. 24 California (Complaint) 25 California (Complaint) | | Attorneys for Plaintiff | | |
| UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA PAUL RAKOCZY,) Civil Action No.: 4:21-cv-2083 Plaintiff,) Civil Action No.: 4:21-cv-2083 Vs. ORIGINAL COMPLAINT SYNGENTA CROP PROTECTION LLC,) SYNGENTA AG, CHEVRON U.S.A. INC., and JURY TRIAL DEMANDED Defendants.) Defendants.) 21 23 23 24 25 14 | | | | |
| FOR THE NORTHERN DISTRICT OF CALIFORNIA 13 PAUL RAKOCZY,) 14 PAUL RAKOCZY,) 15 Plaintiff,) 16 vs.) 17 SYNGENTA CROP PROTECTION LLC,) 18 ORIGINAL COMPLAINT 19 Defendants.) 20) Defendants. 21 23) 23 1 1 24 25 | | UNITED STATES DISTRICT COURT | | |
| 14PAUL RAKOCZY,15Plaintiff,16vs.17SYNGENTA CROP PROTECTION LLC, SYNGENTA AG, CHEVRON U.S.A. INC., and DOES 1 through 50, inclusive,19Defendants.20 | | FOR THE NORTHERN DISTRICT OF CALIFORNIA | | |
| 14 Civil Action No.: 4:21-cv-2083 15 Plaintiff, 16 vs. 17 SYNGENTA CROP PROTECTION LLC, SYNGENTA AG, CHEVRON U.S.A. INC., and 19 Defendants. 20 21 22 23 24 25 | | PAUL RAKOCZY, |) | |
| 16 vs. 17 SYNGENTA CROP PROTECTION LLC, SYNGENTA AG, CHEVRON U.S.A. INC., and 19 Defendants. 20 21 23 24 25 | | |) Civil Action No.: 4:21-cv-2083 | |
| 17 SYNGENTA CROP PROTECTION LLC, JURY TRIAL DEMANDED 18 DOES 1 through 50, inclusive, JURY TRIAL DEMANDED 19 Defendants. JURY TRIAL DEMANDED 20 21 JURY TRIAL DEMANDED 21 22 JURY TRIAL DEMANDED 23 24 JURY TRIAL DEMANDED | | Fiamun, |) | |
| 18 SYNGENTA CROP PROTECTION LEC, SYNGENTA AG, CHEVRON U.S.A. INC., and DOES 1 through 50, inclusive, JURY TRIAL DEMANDED 19 Defendants.) 20)) 21)) 22)) 23)) 24)) | | VS. |) ORIGINAL COMPLAINT | |
| DOES 1 through 50, inclusive, Defendants. 21 22 23 24 25 | | |) | |
| 20 Defendants. 21) 22) 23) 24) | | |) JURY TRIAL DEMANDED) | |
| 21 22 23 24 25 | | Defendants. | ý) | |
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Plaintiff PAUL RAKOCZY, complaining of Defendants SYNGENTA CROP 2 PROTECTION LLC, SYNGENTA AG, CHEVRON U.S.A. INC., and DOES 1 through 50, 3 inclusive, files this Complaint, and would respectfully show as follows:

I. SUMMARY OF THE CASE

Paraquat is a synthetic chemical compound¹ that since the mid-1960s has been 5 1. 6 developed, registered, manufactured, distributed, sold for use, and used as an active ingredient in 7 herbicide products ("paraquat") developed, registered, formulated, distributed, and sold for use in 8 the United States, including the State of California.

9 2. Defendants are companies and successors-in-interest to companies that manufactured, distributed, and sold paraquat for use in California, acted in concert with others who 10 manufactured, distributed, and sold paraquat for use in California, sold and used paraquat in 11 12 California, or owned property in California where paraquat was used.

3. Plaintiff brings this suit against Defendants to recover damages for personal injuries resulting from Plaintiff's exposure to paraquat over many years in California.

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II. PARTIES

A. Plaintiff

4. Plaintiff Paul Rakoczy is a citizen and resident of the State of New Jersey who 17 suffers from Parkinson's disease ("PD") caused by exposure to paraquat within the State of 18 California. 19

B. Defendants

5. 21 Defendant Syngenta Crop Protection LLC ("SCPLLC") is a Delaware company with its principal place of business in Greensboro, North Carolina. SCPLLC is a wholly owned 22 subsidiary of Defendant Syngenta AG. 23

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6. Defendant Syngenta AG ("SAG") is a foreign corporation with its principal place

Paraquat dichloride (EPA Pesticide Chemical Code 061601) or paraquat methosulfate (EPA Pesticide 28 Chemical Code 061602).

1 of business in Basel, Switzerland.

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

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III. JURISDICTION AND VENUE

8. This Court has subject-matter jurisdiction over this action under 28 U.S.C. § 1332 6 because there is complete diversity of the plaintiff and the defendants and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

8 9. Venue is proper in this district under 28 U.S.C. §1391 because Defendants' conduct 9 business in this District, are subject to jurisdiction in this district, and have sold, marketed, and or distributed Paraquat within this District at all times relevant to this suit, because a substantial part 10 of the acts or occurrences giving rise to this suit occurred within this District, and because 11 12 Defendant Chevron U.S.A. has its principal place of business in this District.

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IV. ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

A. Defendants and their predecessors.

1. Syngenta Crop Protection LLC and Syngenta AG

10. In 1926, four British chemical companies merged to create the British company 16 that then was known as Imperial Chemical Industries Ltd. and ultimately was known as Imperial 17 Chemical Industries PLC ("ICI"). 18

11. In or about 1971, ICI created or acquired a wholly owned U.S. subsidiary organized 19 under the laws of the State of Delaware, which at various times was known as Atlas Chemical 20 21 Industries Inc., ICI North America Inc., ICI America Inc., and ICI United States Inc., and ultimately was known as ICI Americas Inc. (collectively "ICI Americas"). 22

12. In or about 1992, ICI merged its pharmaceuticals, agrochemicals, and specialty 23 chemicals businesses, including the agrochemicals business it had operated at one time through a 24 wholly owned British subsidiary known as Plant Protection Ltd. and later as a division within ICI, 25 into a wholly owned British subsidiary known as ICI Bioscience Ltd. 26

In 1993, ICI demerged its pharmaceuticals, agrochemicals, and specialty chemicals 13. 27 businesses, from which it created the Zeneca Group, with the British company Zeneca Group PLC 28

¹ as its ultimate parent company.

14. As a result of ICI's demerger and creation of the Zeneca Group, ICI Bioscience Ltd.
was demerged from ICI and merged into, renamed, or continued its business under the same or
similar ownership and management as Zeneca Ltd., a wholly owned British subsidiary of Zeneca
Group PLC.

6 15. Before ICI's demerger and creation of the Zeneca Group, ICI had a Central
7 Toxicology Laboratory that performed and hired others to perform health and safety studies that
8 were submitted to the U.S. Department of Agriculture ("USDA") and the U.S. Environmental
9 Protection Agency ("EPA") to secure and maintain the registration of paraquat and other pesticides
10 for use in the United States.

11 16. As a result of ICI's demerger and creation of the Zeneca Group, ICI's Central
12 Toxicology Laboratory became Zeneca Ltd.'s Central Toxicology Laboratory.

17. After ICI's demerger and creation of the Zeneca Group, Zeneca Ltd.'s Central
Toxicology Laboratory continued to perform and hire others to perform health and safety studies
that were submitted to EPA to secure and maintain the registration of paraquat and other pesticides
for use in the United States.

18. As a result of ICI's demerger and creation of the Zeneca Group, ICI Americas was
demerged from ICI and merged into, renamed, or continued its business under the same or similar
ownership and management as Zeneca, Inc. ("Zeneca"), a wholly owned subsidiary of Zeneca
Group PLC organized under the laws of the State of Delaware.

19. In 1996, the Swiss pharmaceutical and chemical companies Ciba-Geigy Ltd. and
Sandoz AG merged to create the Novartis Group, with the Swiss company Novartis AG as the
ultimate parent company.

24 20. As a result of the merger that created the Novartis Group, Ciba-Geigy Corporation, 25 a wholly owned subsidiary of Ciba-Geigy Ltd. organized under the laws of the State of New York, 26 was merged into or continued its business under the same or similar ownership and management 27 as Novartis Crop Protection, Inc. ("NCPI"), a wholly owned subsidiary of Novartis AG organized 28 under the laws of the State of Delaware.

In 1999, the Swedish pharmaceutical company Astra AB merged with Zeneca
 Group PLC to create the British company AstraZeneca PLC, of which Zeneca Ltd. and Zeneca
 were wholly owned subsidiaries.

22. In 2000, Novartis AG and AstraZeneca PLC spun off and merged the Novartis
Group's crop protection and seeds businesses and AstraZeneca's agrochemicals business to create
the Syngenta Group, a global group of companies focused solely on agribusiness, with Defendant
Syngenta AG ("SAG") as the ultimate parent company.

8 23. As a result of the Novartis/AstraZeneca spinoff and merger that created the
9 Syngenta Group, Zeneca Ltd. was merged into, renamed, or continued its business under the same
10 or similar ownership and management as Syngenta Ltd., a wholly owned British subsidiary of
11 SAG.

24. As a result of the Novartis/AstraZeneca spinoff and merger that created the
Syngenta Group, Zeneca Ltd.'s Central Toxicology Laboratory became Syngenta Ltd.'s Central
Toxicology Laboratory.

25. Since the Novartis/AstraZeneca spinoff and merger that created the Syngenta
Group, Syngenta Ltd.'s Central Toxicology Laboratory has continued to perform and hire others
to perform health and safety studies for submission to the EPA to secure and maintain the
registration of paraquat and other pesticides for use in the United States.

26. As a result of the Novartis/AstraZeneca spinoff and merger that created the
Syngenta Group, NCPI and Zeneca were merged into and renamed, or continued to do their
business under the same or similar ownership and management, as Syngenta Crop Protection, Inc.
("SCPI"), a wholly owned subsidiary of SAG organized under the laws of the State of Delaware.

23 27. In 2010, SCPI was converted into Defendant Syngenta Crop Protection LLC
24 ("SCPLLC"), a wholly owned subsidiary of SAG organized and existing under the laws of the
25 State of Delaware with its principal place of business in Greensboro, North Carolina.

26 28. SAG is a successor in interest to the crop-protection business of its corporate
27 predecessor Novartis AG.

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29. SAG is a successor in interest to the crop-protection business of its corporate

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