

1 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:

4 **I. SUMMARY OF THE CASE**

5 1. Paraquat is a synthetic chemical compound¹ that since the mid-1960s has been
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
10 manufactured, distributed, and sold paraquat for use in California, acted in concert with others who
11 manufactured, distributed, and sold paraquat for use in California, sold and used paraquat in
12 California, or owned property in California where paraquat was used.

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

15 **II. PARTIES**

16 **A. Plaintiff**

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

20 **B. Defendants**

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

24 6. Defendant Syngenta AG (“SAG”) is a foreign corporation with its principal place
25 _____

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27
28 ¹ Paraquat dichloride (EPA Pesticide Chemical Code 061601) or paraquat methosulfate (EPA Pesticide
Chemical Code 061602).

1 of business in Basel, Switzerland.

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

4 III. JURISDICTION AND VENUE

5 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
7 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
10 distributed Paraquat within this District at all times relevant to this suit, because a substantial part
11 of the acts or occurrences giving rise to this suit occurred within this District, and because
12 Defendant Chevron U.S.A. has its principal place of business in this District.

13 IV. ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

14 A. Defendants and their predecessors.

15 1. Syngenta Crop Protection LLC and Syngenta AG

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

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

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

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

1 as its ultimate parent company.

2 14. As a result of ICI's demerger and creation of the Zeneca Group, ICI Bioscience Ltd.
3 was demerged from ICI and merged into, renamed, or continued its business under the same or
4 similar ownership and management as Zeneca Ltd., a wholly owned British subsidiary of Zeneca
5 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.

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

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

21 19. In 1996, the Swiss pharmaceutical and chemical companies Ciba-Geigy Ltd. and
22 Sandoz AG merged to create the Novartis Group, with the Swiss company Novartis AG as the
23 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.

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

4 22. In 2000, Novartis AG and AstraZeneca PLC spun off and merged the Novartis
5 Group's crop protection and seeds businesses and AstraZeneca's agrochemicals business to create
6 the Syngenta Group, a global group of companies focused solely on agribusiness, with Defendant
7 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.

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

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

19 26. As a result of the Novartis/AstraZeneca spinoff and merger that created the
20 Syngenta Group, NCPI and Zeneca were merged into and renamed, or continued to do their
21 business under the same or similar ownership and management, as Syngenta Crop Protection, Inc.
22 ("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.

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

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