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LAW OFFICES OF
WALKUP, MELODIA, KELLY & SCHOENBERGER
A PROFESSIONAL CORPORATION

650 CALIFORNIA STREET, 26TH FLOOR
SAN FRANCISCO, CALIFORNIA 94108-2615
T: (415) 981-7210 · F: (415) 391-6965

MICHAEL A. KELLY (State Bar #71460)
mkelly@walkuplawoffice.com
KHALDOUN A. BAGHDADI (State Bar #190111)
kbaghdadi@walkuplawoffice.com
SARA M. PETERS (State Bar #260610)
speters@walkuplawoffice.com

ROBERT KING (State Bar #331709)
rking@koreintillery.com
MICHAEL KLENOV (State Bar #277028)
mklenov@koreintillery.com
KOREIN TILLERY, LLC
505 North 7th Street, Suite 3600
St. Louis, MO 63101
Telephone: 314-241-4844
Facsimile: 314-241-3525

ATTORNEYS FOR PLAINTIFFS

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

CGC-20-588134

DAVID HANSE and BILLIE HANSE,

Plaintiffs,

v.

SYNGENTA AG; SYNGENTA CROP
PROTECTION, LLC; CHEVRON USA,
INC.; WILBUR-ELLIS COMPANY,
LLC; and DOES ONE through ONE
HUNDRED, inclusive,

Defendant.

Case No.

COMPLAINT FOR DAMAGES
[Complex] [Personal Injury]

Demand for a Jury Trial

COME NOW Plaintiffs David Hanse and Bonnie Hanse (collectively hereafter
"Plaintiffs"), by and through their undersigned attorneys, and complain of
Defendants Syngenta AG ("SAG") and Syngenta Crop Protection, LLC ("SCPLLC")
(together with their predecessors-in-interest, referred to collectively as the "Syngenta

1 Defendants”); Chevron USA, Inc. (together with their predecessors-in-interest,
2 referred to collectively as the “Chevron Defendants”); Wilbur-Ellis Company, LLC
3 (together with its predecessors-in-interest, referred to hereafter as “Wilbur-Ellis”);¹
4 and Does One through Sixty, state:

5 **ALLEGATIONS COMMON TO ALL COUNTS**

6 **Nature of the Case**

7 1. Plaintiff David Hanse (hereinafter “the injured Plaintiff”) suffers from
8 Parkinson’s disease caused by his exposure to the herbicide paraquat². Plaintiff Billie
9 Hanse is the lawful spouse of Plaintiff David Hanse who suffered loss of consortium
10 due to his Parkinson’s disease.

11 2. Plaintiffs are California residents.

12 3. Defendants are companies that since 1964 have manufactured,
13 distributed, licensed, marketed, and sold paraquat for use in the United States,
14 including California.

15 4. Plaintiffs bring this action to recover damages for personal injuries (or
16 for loss of support, society, and consortium) resulting from the injured Plaintiff’s
17 exposures to paraquat manufactured, distributed, and sold by Defendants.

18 5. Defendants’ tortious conduct, including their negligent acts and
19 omissions in the research, testing, design, manufacture, marketing, and sale of
20 paraquat, caused Plaintiffs’ injuries. At all relevant times, Defendants knew or, in
21 the exercise of reasonable care, should have known that paraquat was a highly toxic
22

23 ¹ As alleged herein, the defendants named in this Complaint are liable for Plaintiffs’ injuries based on
24 one or more theories: in the case of Chevron USA, Inc., successor liability for the conduct of their
25 corporate predecessors in manufacturing and/or selling paraquat; and/or in the case of Chevron USA,
26 Inc., vicarious liability for the conduct of their subsidiaries in manufacturing and/or selling paraquat.
27 Thus, whenever the generic term “Defendants” is used in this Complaint, it is intended to include not
28 only the companies named as defendants herein, but also the named defendants’ predecessors,
29 subsidiaries, and any other related entity whose acts subject the named defendants to liability as
30 alleged herein.

² Unless the context indicates otherwise, references in this Complaint to “paraquat” include the
chemical compound paraquat dichloride and formulated herbicide products containing paraquat
dichloride as an active ingredient.

1 substance that can cause severe neurological injuries and impairment, and should
2 have taken steps in their research, manufacture, and sale of paraquat to ensure that
3 people would not be harmed by foreseeable uses of paraquat.

4 **Doe Defendants and General Party Allegations**

5 6. The true names or capacities whether individual, corporate,
6 governmental or associate, of the Defendants named herein as Doe are unknown to
7 Plaintiffs who therefore sue said Defendants by such fictitious names. Plaintiffs pray
8 leave to amend this Complaint to show their true names and capacities and/or bases
9 for immunity when the same have been finally determined.

10 7. Plaintiffs are informed and believe, and upon such information and
11 belief allege, that each of the Defendants designated herein as Doe is negligently or
12 otherwise legally responsible in some manner for the events and happenings herein
13 referred to, and negligently or otherwise caused injury and damages proximately
14 thereby to Plaintiffs as is hereinafter alleged.

15 8. At all times herein mentioned each and every of the Defendants was the
16 agent, servant, employee, joint venturer, alter ego, successor-in-interest, and
17 predecessor-in-interest of each of the other, and each was acting within the course
18 and scope of their agency, service, joint venture, alter ego relationship, employment,
19 and corporate interrelationship.

20 **Market History of Paraquat and**

21 **Successor/Vicarious/Joint Liability Allegations**

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

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

28 11. Chevron Chemical Company was a corporation organized under the

1 laws of the State of Delaware.

2 12. Pursuant to distribution and licensing agreements with ICI and ICI
3 Americas, Chevron Chemical Company had exclusive rights to distribute and sell
4 paraquat in the United States and did in fact manufacture, formulate, distribute, and
5 sell paraquat in the United States, including in California for use in California, from
6 approximately 1964 until approximately 1986.

7 13. Chevron U.S.A., Inc. is the successor-in-interest to Chevron Chemical
8 Company.

9 14. At all relevant times, Chevron Chemical Company acted as the agent of
10 Chevron USA, Inc. in selling and distributing paraquat in the U.S. At all relevant
11 times, Chevron Chemical Company was acting within the scope of its agency in
12 selling and distributing paraquat. Chevron USA, Inc. is liable for the acts of its
13 agent.

14 15. From approximately 1964 through approximately 1986, pursuant to
15 distribution and licensing agreements with Chevron Chemical Company, SAG's
16 and/or SCPLLC's predecessors-in-interest, ICI and ICI Americas, and Does One
17 through Forty manufactured some or all of the paraquat that Chevron Chemical
18 Company distributed and sold in the United States, including in California for use in
19 California.

20 16. From approximately 1964 through approximately 1986, pursuant to
21 distribution and licensing agreements between and among them, ICI, ICI Americas,
22 Chevron Chemical Company, and Does One through Forty acted in concert to
23 register, manufacture, formulate, and distribute and sell (through Chevron Chemical
24 Company) paraquat for use in the U.S., including in California for use in California,
25 and their respective successors-in-interest, SAG, SCPLLC, and Chevron USA, Inc.,
26 are jointly liable for the resulting injuries alleged herein.

27 17. After 1986, SCPLLC, Does Twenty-One through Sixty, and/or their
28 predecessors-in-interest sold and distributed and continue to sell and distribute

1 paraquat in the United States, including in California for use in California.

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

4 19. As a result of mergers and corporate restructuring, SCPLLC is the
5 successor-in-interest to ICI Americas, Inc.

6 20. Thus, from approximately 1964 through the present, the Syngenta
7 Defendants, Does One through Sixty, or their predecessors-in-interest have
8 manufactured, formulated, distributed, and sold paraquat for use in the U.S.,
9 including in California for use in California.

10 **Injured Plaintiff's Exposure to Paraquat**

11 21. At all relevant times, the injured Plaintiff was an agricultural laborer
12 and/or farmer who was exposed to paraquat in California: (1) when it was mixed,
13 loaded, applied, and/or cleaned; (2) as a result of spray drift (the movement of
14 herbicide spray droplets from the target area to an area where herbicide application
15 was not intended, typically by wind); and/or (3) as a result of contact with sprayed
16 plants.

17 22. At all relevant times, it was reasonably foreseeable that when paraquat
18 was used in the intended or a reasonably foreseeable manner, users of paraquat and
19 persons nearby would be exposed to it.

20 23. At all relevant times, it was reasonably foreseeable that paraquat could
21 enter the human body: (1) through absorption or penetration of the skin, mucous
22 membranes, and other epithelial tissues (including tissues of the mouth, nose and
23 nasal passages, trachea, and conducting airways, particularly where cuts, abrasions,
24 rashes, sores, or other tissue damage were present); (2) through the olfactory bulb;
25 (3) through respiration into the lungs; and (4) through ingestion into the digestive
26 tract of small droplets swallowed after entering the mouth, nose, or conducting
27 airways.

28

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