

IN THE CIRCUIT COURT OF THE 17 TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

RICHARD WYZIK and
ZINA WYZIK, his wife,

Plaintiffs,

CIRCUIT CIVIL DIVISION

CASE NO.:

vs.

MONSANTO COMPANY, a foreign for-profit
Corporation;
MARGATE BLVD HARDWARE STORE, INC.,
a Florida for-profit corporation; and
HOME DEPOT U.S.A., INC., a foreign for-profit
corporation,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

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Plaintiffs, RICHARD WYZIK and ZINA WYZIK, his wife, by and through the undersigned counsel and pursuant to the Florida Rules of Civil Procedure, hereby sue the Defendants, MONSANTO COMPANY, a foreign for-profit corporation, MARGATE BLVD HARDWARE STORE, INC., a Florida for-profit corporation, and HOME DEPOT U.S.A., INC., a foreign for-profit corporation, for damages and allege as follows.

I. INTRODUCTION

A. Plaintiffs bring this cause of action for the significant damages sustained by RICHARD WYZIK as a result of using Roundup®, an unreasonably dangerous and defective product. More specifically, Plaintiffs’ claims involve the Defendants’ negligent and wrongful conduct in connection with the design, development, manufacture, testing, packaging, promoting, marketing, distribution, supply and/or sale of Roundup® containing the active ingredient glyphosate (hereinafter referred to as “Roundup” or “Roundup products”),¹ by each of the above-named Defendants, individually or through their predecessors or subsidiaries.

B. Roundup is defective, dangerous to human health, unfit and unsuitable to be

¹ “Roundup” refers to all formulations of Roundup products, including, but not limited to, Roundup Concentrate Poison Ivy and Tough Brush Killer 1, Roundup Custom Herbicide, Roundup D-Pak herbicide, Roundup Dry Concentrate, Roundup Export Herbicide, Roundup Fence & Hard Edger 1, Roundup Garden Foam Weed & Grass Killer, Roundup Grass and Weed Killer, Roundup Herbicide, Roundup Original 2k herbicide, Roundup Original II Herbicide, Roundup Pro Concentrate, Roundup Prodry Herbicide, Roundup Promax, Roundup Quik Stik Grass and Weed Killer, Roundup Quikpro Herbicide, Roundup Rainfast Concentrate Weed & Grass Killer, Roundup Rainfast Super Concentrate Weed & Grass Killer, Roundup Ready-to-Use Extended Control Weed & Grass Killer 1 Plus Weed Preventer, Roundup Ready-to-Use Weed & Grass Killer, Roundup Ready-to-Use Weed and Grass Killer 2, Roundup Ultra Dry, Roundup Ultra Herbicide, Roundup Ultramax, Roundup VM Herbicide, Roundup Weed & Grass Killer Concentrate, Roundup Weed & Grass Killer Concentrate Plus, Roundup Weed & Grass killer Ready-to-Use Plus, Roundup Weed & Grass Killer Super Concentrate, Roundup Weed & Grass Killer1 Ready-to-Use, Roundup WSD Water Soluble Dry Herbicide Deploy Dry Herbicide, or any other formulation containing the active ingredient glyphosate.

marketed, distributed and sold in commerce, and lacked proper warnings and directions as to the dangers associated with its use.

C. As a direct and proximate result of RICHARD WYZIK's exposure to Roundup he developed non-Hodgkin's lymphoma. ZINA WYZIK, his wife, has also suffered a significant loss of consortium as a result of her husband's diagnosis, treatment and ongoing injuries.

II. THE PARTIES

A. Plaintiffs

4. Plaintiff RICHARD WYZIK has been a resident of Broward County, Florida since 1967, and is otherwise *sui juris*.

5. At all times material, Plaintiff RICHARD WYZIK was exposed to, ingested, inhaled, had dermal contact with and/or otherwise used Roundup products that were designed, manufactured, sold, distributed, and/or supplied by each of the above-named Defendants, individually or through their predecessors or subsidiaries.

6. Plaintiff RICHARD WYZIK was exposed to the Defendants' Roundup products in the intended manner, without significant change in the products' condition.

7. As a direct and proximate result of RICHARD WYZIK's exposure to, ingestion, inhalation, contact with and/or use of Roundup products, he was diagnosed with non- Hodgkin's lymphoma on or about January 2021.

8. As a result of his non-Hodgkin's lymphoma diagnosis, RICHARD WYZIK has been and will continue to undergo extensive and debilitating chemotherapy and radiation treatment. In addition, he will continually have to undergo medical monitoring. His injuries are permanent and continuing in nature and are life-threatening.

9. Plaintiff ZINA WYZIK, at all times material, was a resident of Broward County,

Florida since 1975, and is otherwise *sui juris*.

10. At all times material, ZINA WYZIK was and is the wife of RICHARD WYZIK and has suffered loss of her husband's consortium.

B. Defendants

11. At all times material, Defendant, MONSANTO COMPANY ("MONSANTO"), was and is a for-profit corporation organized and existing under the laws of the State of Delaware, having its principal place of business located at 800 North Lindbergh Blvd., St. Louis, Missouri 63167.

12. MONSANTO, at all times material, was authorized to conduct and is conducting business throughout the State of Florida, including, but not limited to, conducting business in Broward County, Florida. Service of process on Defendant, MONSANTO, is predicated on Fla. Stat. § 48.081 and Fla. Stat. § 48.091.

13. At all times material, MONSANTO has had and continues to have substantial and not isolated contacts with Florida and is subject to the jurisdiction of Florida.

14. At all times material, MONSANTO was the entity that discovered the herbicidal properties of glyphosate and the manufacturer of Roundup products containing glyphosate as the active ingredient.

15. At all times material, and while committing the acts alleged herein, each and every managing agent, agent, representative and/ or employee of MONSANTO, was working within the course and scope of said agency, representation and/or employment with the knowledge, consent, ratification, and authorization of the Defendant and its directors, officers and/or managing agents.

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