

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BARBARA PIPER, as Executrix of the Estate of
MICHAEL PIPER, Deceased, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

BAYER CROPSCIENCE LP, BAYER
CROPSCIENCE, INC., CORTEVA INC., CARGILL
INCORPORATED, BASF CORPORATION,
SYNGENTA CORPORATION, WINFIELD
SOLUTIONS, LLC, UNIVAR SOLUTIONS, INC.,
FEDERATED CO-OPERATIVES LTD., CHS INC.,
NUTRIEN AG SOLUTIONS INC., GROWMARK
INC., SIMPLOT AB RETAIL SUB, INC., AND
TENKOZ INC.

Defendants.

Docket No. 3:21-cv-21

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

TABLE OF CONTENTS

INTRODUCTION 1

JURISDICTION AND VENUE 3

PARTIES 3

 A. Plaintiff..... 3

 B. The Manufacturer Defendants..... 3

 C. The Wholesaler Defendants 4

 D. The Retailer Defendants 5

SUBSTANTIVE ALLEGATIONS 6

TRADE AND COMMERCE..... 14

THE RELEVANT MARKETS..... 14

ANTITRUST IMPACT 14

ANTITRUST INJURY 15

CLASS ACTION ALLEGATIONS 15

STANDING TO SEEK RELIEF 17

EQUITABLE TOLLING AND FRAUDULENT CONCEALMENT 18

CLAIMS FOR RELIEF 19

Count 1: Conspiracy to Restrain Trade in Violation of § 1 of the Sherman Act (15 U.S.C. § 1) 19

Count 2: Arizona Uniform State Antitrust Act..... 22

Count 3: California Cartwright Act 23

Count 4: Hawaii Antitrust Laws 24

Count 5: Illinois Antitrust Act 24

Count 6: Iowa Competition Law..... 25

Count 7: Kansas Restraint of Trade Act 26

Count 8: Maine Monopoly & Profiteering Laws..... 26

Count 9: Maryland Antitrust Laws 27

Count 10: Massachusetts Consumer Protection Laws 28

Count 11: Michigan Antitrust Reform Act 28

Count 12: Minnesota Antitrust Law of 1971 29

Count 13: Mississippi Antitrust Laws..... 30

Count 14: Nebraska Junkin Act 30

Count 15: Nevada Unfair Trade Practices Act 31

Count 16: New Hampshire Consumer Protection Act..... 32

Count 17: New Mexico Antitrust Act..... 32

Count 18: New York Donnelly Act 33

Count 19: North Carolina Antitrust Laws..... 34

Count 20: North Dakota Uniform State Antitrust Act..... 34

Count 21: Oregon Antitrust Law 35

Count 22: South Dakota Antitrust Laws..... 36

Count 23: Tennessee Trade Practices Act 36

Count 24: Utah Antitrust Act..... 37

Count 25: Vermont Consumer Protection Laws..... 38

Count 26: Wisconsin Trade Regulations 38

PRAYER FOR RELIEF 39

DEMAND FOR JURY TRIAL 40

..

Plaintiff Barbara Piper, as Executrix of the Estate of Michael Piper, complains upon knowledge as to herself and her own acts, and upon information and belief as to all other matters, against Defendants for their violations of law from at least January 1, 2014, through the date on which the effects of Defendants' unlawful conduct ceased ("Class Period") as follows:

INTRODUCTION

1. The market for "Crop Inputs"—seeds and crop protection chemicals such as fungicides, herbicides, and insecticides—used by American farmers, is one of the largest markets in the world with annual sales in excess of \$65 billion.

2. This market is dominated by four major manufacturers—Defendants Bayer CropScience Inc., Corteva Inc., Syngenta Corporation, and BASF Corporation (collectively, the "Manufacturer Defendants")—whose products reach the market through large wholesalers—Defendants Cargill Incorporated, Winfield Solutions, LLC, Univar Solutions, Inc. (the "Wholesaler Defendants")—that control the distribution of Crop Inputs to farmers as well as retailers, including Defendants CHS Inc., Nutrien Ag Solutions Inc., Growmark Inc., Simplot AB Retail Sub, Inc., Tenkoz Inc., and Federated Co-operatives Limited (the "Retailer Defendants").

3. The existing distribution process maintains supracompetitive Crop Input prices by denying farmers accurate product information, including pricing information, which would allow them to make better-informed purchasing decisions. As a result, the average price American farmers pay for Crop Inputs is increasing at a rate that dramatically outpaces yields—for example, over the last 20 years, the price of seed corn rose 300%, while corn yields increased only 33% to 35%. This disparity is proving increasingly devastating to farmers, who are now the least profitable level of the American food supply chain and are drowning in hundreds of billions of dollars of operating debt that is forcing them into bankruptcy at a record pace.

4. Recognizing these inefficiencies, several electronic Crop Input sales platforms launched between 2016 and 2017. These platforms aimed to provide a cheaper, more transparent way for farmers to buy Crop Inputs by selling products acquired from the Manufacturer Defendants directly to farmers, circumventing the opaque, convoluted distribution system. For example, Farmers Business Network (“FBN”) and AgVend Inc., two leading electronic sales platforms, were extremely popular with farmers upon launch, and both successfully raised millions of dollars from leading venture capital firms to build out capacity to meet that demand.

5. These new platforms threatened the Defendants’ dominant market position and control over Crop Input pricing. As a result, rather than compete fairly with these new electronic platforms, Defendants conspired to block the platforms’ access to Crop Inputs by engaging in a group boycott. The Manufacturer and Wholesaler Defendants repeatedly blocked FBN’s access to Crop Inputs by agreeing amongst themselves not to sell FBN products, even though doing so would have opened a significant new sales channel for any individual wholesaler or manufacturer acting independently and in their unilateral best economic interest.

6. When FBN attempted to circumvent this unlawful boycott by purchasing an established retailer with existing supply agreements, the Manufacturer Defendants canceled those contracts, starving FBN’s platform out of business by ensuring that FBN could not acquire the Crop Inputs it needed to operate. Other platforms, including AgVend, faced a similar fate, as Defendants also refused to supply them with Crop Inputs.

7. As a result of Defendants’ misconduct, farmers remain trapped in an inefficient, opaque Crop Input market that eliminates their profits and destroys their livelihoods. Plaintiff and the Classes bring this antitrust suit to redress that misconduct and ensure that future generations of farmers do not suffer the same fate.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.