

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Southern Division

NICOLE SOLTYKA, individually and  
As personal representative of the *Estate of*  
*Anthony Soltyka*  
7007 Universal Court  
Rockville, MD 20855

Case No.:

- AND -

TO THE USE OF FELICIA SOLTYKA  
292 Main St  
East Aurora, NY 14052

Plaintiffs,

v.

MONSANTO COMPANY  
800 Lindbergh Boulevard  
St. Louis County, Missouri

Serve:  
CSC-LAWYERS INCORPORATING  
SERVICE COMPANY  
7 ST. PAUL STREET  
SUITE 820  
BALTIMORE MD 21202

Defendant.

**COMPLAINT**

*COMES NOW*, Plaintiff Nicole Soltyka, individually and as personal representative of the Estate of Anthony Soltyka, and to the use of Felicia Soltyka and states the following:

**INTRODUCTION**

Plaintiff brings this cause of action against Defendant. All claims in this action are a direct and proximate result of Defendant's negligent, willful, and wrongful conduct in connection with the design, development, manufacture, testing, packaging, promoting, marketing, distribution, and/or sale

of the products as Roundup<sup>®</sup>. Plaintiff seeks recovery for damages as a result of Anthony Soltyka (the decedent) developing Non-Hodgkin's Lymphoma ("NHL"), which was directly and proximately caused by such wrongful conduct by Defendant, the unreasonably dangerous and defective nature of Roundup<sup>®</sup>, and its active ingredient, glyphosate, and the attendant effects of developing NHL. Plaintiff did not know of an association between exposure to Roundup<sup>®</sup> and the increased risk of developing NHL until well after July 29, 2015, when the International Agency for Research on Cancer ("IARC"), an agency of the World Health Organization ("WHO"), first published its evaluation of glyphosate.

Plaintiff Nicole Soltyka brings each of her causes of action below individually pursuant to the Maryland Wrongful Death Act, Md. Code, Cts. & Jud. Proc. § 3-901, *et seq.*, and as personal representative for the estate of decedent Anthony Soltyka, pursuant to the Maryland Survival Act, Md. Code, Cts. & Jud. Proc. § 6-401

## **THE PARTIES**

### **PLAINTIFF AND DECEDENT**

1. Plaintiff Nicole Soltyka is a citizen of State of Maryland and the personal representative of the Estate of her deceased husband Anthony Soltyka. She brings this action as the surviving spouse, and personal and legal representative of Mr. Soltyka.

2. Decedent Anthony Soltyka was a citizen of the State of Maryland and is survived by his wife Nicole and mother Felecia.

3. Felecia Soltyka is the mother of the decedent and, upon information and believe a citizen of the State of New York. Ms. Felecia Soltyka is a "Use Plaintiff" pursuant to Md. Rule Civ. Proc. 15-1001.

4. Decedent was first exposed to Roundup<sup>®</sup> in as early as 2010. He sprayed Roundup<sup>®</sup> on his property on routine basis.

5. In 2014, Anthony Soltyka was diagnosed with (Non-Hodkins Lymphoma) in and suffered the effects attendant thereto ultimately succumbing to NHL and the sequelae of NHL and the corresponding treatment on August 22, 2019, as a direct and proximate result of the unreasonably dangerous and defective nature of Roundup<sup>®</sup> and Defendant's wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of Roundup<sup>®</sup>.

6. As a direct and proximate result of these injuries, Plaintiff has incurred medical expenses and has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff has otherwise been damaged in a personal and pecuniary nature.

7. During the entire time that Decedent was exposed to Roundup<sup>®</sup>, he did not know that exposure to Roundup<sup>®</sup> was injurious to his health or the health of others.

#### **DEFENDANT**

8. Defendant Monsanto is a Delaware corporation with its headquarters and principal place of business in St. Louis, Missouri. At all relevant times, Monsanto also regularly conducted, transacted, and solicited business in the State of Maryland. Monsanto's world headquarters are located at 800 Lindbergh Boulevard in St. Louis County, Missouri.

9. At all times relevant to this complaint, Monsanto was the entity that discovered the herbicidal properties of glyphosate and the manufacturer of Roundup<sup>®</sup>, which contains the active ingredient glyphosate and the surfactant POEA, as well as adjuvants and other "inert" ingredients. On information and belief, important scientific, manufacturing, marketing, sales, and other business decisions regarding Roundup<sup>®</sup> were made from and in the State of Missouri.

10. At all times relevant to this complaint, Monsanto was engaged in the business of manufacturing, marketing, testing, promoting, selling, and/or distributing Roundup<sup>®</sup> in the State of Missouri.

11. At all relevant times, Monsanto had, and continues to have, regular and systematic contact with and conducts business in and from the State of Maryland, such that it has purposefully availed itself of the laws of the Maryland and expects to both sue and be sued in Maryland. In the alternative, Monsanto's presence in the State of Maryland satisfies the due process requirements for Maryland courts to exercise jurisdiction over it.

### **JURISDICTION AND VENUE**

12. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 as the parties are completely diverse from each other and the amount in controversy exceeds \$75,000.00.

13. This Court has personal jurisdiction over each Defendant pursuant to Md. Code Ann., Cts. & Jud. Proc. § 6-102 and 6-103.

14. Venue lies in Montgomery County, Maryland as the cause of action arose therein.

### **ALLEGATIONS COMMON TO ALL COUNTS**

15. In 1970, Defendant Monsanto Company, Inc. ("Monsanto") discovered the herbicidal properties of glyphosate and began marketing it in products in 1974 under the brand name Roundup<sup>®</sup>. Roundup<sup>®</sup> is a non-selective herbicide used to kill weeds that commonly compete with the growing of crops. In addition to the active ingredient glyphosate, Roundup<sup>®</sup> contains the surfactant Polyethoxylated tallow amine (POEA) and/or adjuvants and other so-called "inert" ingredients. In 2001, glyphosate was the most-used pesticide active ingredient in American agriculture with 85–90 million pounds used annually. That number grew to 185 million pounds in 2007.<sup>1</sup> As of 2013, glyphosate was the world's most widely used herbicide.

16. Monsanto is a multinational agricultural biotechnology corporation based in St. Louis, Missouri, and incorporated in Delaware. It is the world's leading producer of glyphosate. As

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<sup>1</sup> Arthur Grube et al., U.S. Env'tl. Prot. Agency, *Pesticides Industry Sales and Usage, 2006–2007 Market Estimates* 14 (2011), available at [http://www.epa.gov/pesticides/pestsales/07pestsales/market\\_estimates2007.pdf](http://www.epa.gov/pesticides/pestsales/07pestsales/market_estimates2007.pdf).

of 2009, Monsanto was the world's leading producer of seeds, accounting for 27% of the world seed market.<sup>2</sup> The majority of these seeds are of the Roundup Ready<sup>®</sup> brand. The stated advantage of Roundup Ready<sup>®</sup> crops is that they substantially improve a farmer's ability to control weeds, because glyphosate can be sprayed in the fields during the growing season without harming the crops. In 2010, an estimated 70% of corn and cotton and 90% of soybean fields in the United States were Roundup Ready<sup>®</sup>.<sup>3</sup>

17. Monsanto's glyphosate products are registered in 130 countries and approved for use on over 100 different crops.<sup>4</sup> They are ubiquitous in the environment. Numerous studies confirm that glyphosate is found in rivers, streams, and groundwater in agricultural areas where Roundup<sup>®</sup> is used.<sup>5</sup> It has been found in food,<sup>6</sup> in the urine of agricultural workers,<sup>7</sup> and even in the urine of urban dwellers who are not in direct contact with glyphosate.<sup>8</sup>

18. On March 20, 2015, the International Agency for Research on Cancer ("IARC"), an agency of the World Health Organization ("WHO"), issued an evaluation of several herbicides,

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<sup>2</sup> ETC Group, *Who Will Control the Green Economy?* 22 (2011), available at [http://www.etcgroup.org/files/publication/pdf\\_file/ETC\\_wwctge\\_4web\\_Dec2011.pdf](http://www.etcgroup.org/files/publication/pdf_file/ETC_wwctge_4web_Dec2011.pdf).

<sup>3</sup> William Neuman & Andrew Pollack, *Farmers Cope With Roundup-Resistant Weeds*, N.Y. TIMES, May 3, 2010, available at <http://www.nytimes.com/2010/05/04/business/energy-environment/04weed.html?pagewanted=all>.

<sup>4</sup> Monsanto, *Background-History of Monsanto's Glyphosate Herbicides* (Sep. 2, 2015), [http://www.monsanto.com/products/documents/glyphosate-background-materials/back\\_history.pdf](http://www.monsanto.com/products/documents/glyphosate-background-materials/back_history.pdf).

<sup>5</sup> See U.S. Geological Survey, *USGS Technical Announcement: Widely Used Herbicide Commonly Found in Rain and Streams in the Mississippi River Basin* (2011), available at <http://www.usgs.gov/newsroom/article.asp?ID=2909>; see also U.S. Env'tl. Prot. Agency, *Technical Factsheet on: Glyphosate*, available at <http://www.epa.gov/safewater/pdfs/factsheets/soc/tech/glyphosa.pdf>.

<sup>6</sup> Thomas Bohn et al., *Compositional Differences in Soybeans on the Market: Glyphosate Accumulates in Roundup Ready GM Soybeans*, 153 FOOD CHEMISTRY 207 (2013), available at <http://www.sciencedirect.com/science/article/pii/S0308814613019201>.

<sup>7</sup> John F. Acquavella et al., *Glyphosate Biomonitoring for Farmers and Their Families: Results from the Farm Family Exposure Study*, 112(3) ENVTL. HEALTH PERSPECTIVES 321 (2004), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1241861/>; Kathryn Z. Guyton et al., *Carcinogenicity of Tetrachlorvinphos, Parathion, Malathion, Diazinon & Glyphosate*, 112 IARC Monographs 76, section 5.4 (2015), available at [http://dx.doi.org/10.1016/S1470-2045\(15\)70134-8](http://dx.doi.org/10.1016/S1470-2045(15)70134-8).

<sup>8</sup> Dirk Brändli & Sandra Reinacher, *Herbicides found in Human Urine*, 1 ITHAKA JOURNAL 270 (2012), available at <http://www.ithaka-journal.net/druckversionen/e052012-herbicides-urine.pdf>.

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