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Judge casts doubt on Bayer's \$10.9B Roundup settlement, fears 'manipulation'



The judge said he is concerned Bayer has “manipulated” the settlement process since announcing its plan in June to resolve 125,000 cases.

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By Greg Edwards
Reporter, St. Louis Business Journal
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The \$10.9 billion payout Bayer has offered to settle most Roundup cancer lawsuits may be in jeopardy after a judge said he fears "shenanigans" by the German pharmaceuticals company.

“My concern is that if I leave the stay in place, am I complicit in whatever shenanigans are taking place on the Bayer side?” U.S. District Judge [Vince Chhabria](#) said during a hearing Thursday, [Bloomberg](#) reported.

The judge said he is concerned Bayer has “manipulated” the settlement process since announcing its plan in June to resolve 125,000 cases, [Bloomberg](#) reported.

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The judge said he will decide in a month whether to keep the litigation on hold for more settlement talks or let more trials proceed. “We’ve got a bunch of cases we could send out to other jurisdictions,” he said.

Bayer said, “A mass tort settlement of this size and complexity can take significant time before it is fully executed, and we are still early in this process. There are often some bumps in the road in implementing a resolution of this magnitude, but we remain confident that a comprehensive settlement will be finalized and executed.”

The judge said he’s inclined to make public confidential letters from plaintiffs’ attorneys complaining that St. Louis-based Monsanto Co., the maker of Roundup that Bayer acquired for \$63 billion in 2018, is renegeing on the settlement.

If Monsanto is “going back on its deal and the deal it announced in June, that seems to me something that should not be kept confidential,” Chhabria said.

Bayer agreed in June to pay up to \$10.9 billion to settle 75% of the 125,000 Roundup cases pending.

Separately, Black farmers filed a federal lawsuit Wednesday against Bayer in an effort to stop the sale of Roundup. The farmers contend they were forced to buy Roundup-resistant seeds and increasingly larger quantities of the weed killer every year. They say Black farmers tend to operate smaller farms and have smaller profit margins.

“The cycle can only be broken by removing the product from the market,” said Chris Schnieders, a partner in the Kansas City office of Napoli Shkolnik and one of the attorneys who filed suit.

Bayer denied the claims and said the suits were filed by firms that refused to settle.

"Any suggestion that claimants who are Black were treated differently in this process than others is completely false," Bayer said in an email to the *Business Journal*.

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