

California Powerhouse: Baum Hedlund

By Craig Clough

Law360 (August 2, 2021, 2:02 PM EDT) -- Driven by a long-standing sense of responsibility to represent the little guy or gal against powerful corporate interests as a means to enact greater change, Baum Hedlund Aristei & Goldman PC has racked up a series of major victories on multiple fronts against Bayer AG over Monsanto's Roundup weedkiller.

The firm itself shares a lot in common with many of its plaintiffs: It is one of the smallest on Law360's California Powerhouses list, with only 13 attorneys on staff in the state and 17 overall. But it possesses a David v. Goliath-sized slingshot while seeking justice for everyday citizens it believes were harmed or killed through corporate wrongdoing.

Aside from its Roundup wins, the firm also currently represents people with cancer who allege that Sanofi-Aventis U.S. LLC, Pfizer Inc. and other pharmaceutical companies hid the risks that heartburn drug Zantac could produce a carcinogen, parents of children potentially harmed by toxic baby food and victims of the 2018 Camp Fire and Woolsey Fire.

"There's a quote that we have on the wall at the firm that says, 'Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has,'" Michael L. Baum, the senior managing shareholder of Baum Hedlund, told Law360, referring to the Margaret Mead quote. "That's a theme that runs through our firm and I think is what our cases are about."

The firm was founded in 1973, and Baum said much of its current trajectory dates back to the early 1990s, when a client asked it to look into the suicide of rock and roll musician Del Shannon, best known for his 1961 No. 1 hit "Runaway." Shannon shot himself in 1990 shortly after being put on Prozac, Baum said.

The connection between antidepressants and suicidal thinking was not publicly acknowledged at the time by drugmakers, and the firm's representation of Shannon's widow led the firm to get involved in numerous antidepressant lawsuits. But the firm didn't just secure victories for its clients; it also helped bring about lasting change in the industry, Baum said.

"We helped to change the labeling for all of those products in the areas of birth defects, withdrawal, suicidal behavior," Baum said.



Baum Hedlund is based in Los Angeles with California satellite offices in Bakersfield, Ontario, San Francisco and San Diego. Its big wins over the past year earned it a spot on Law360's list of California Powerhouses firms.

On June 24, 2020, Bayer AG — which bought Monsanto in 2018 — announced settlements in principle for over \$10 billion in thousands of cases to resolve litigation alleging that the weedkiller Roundup causes cancer.

R. Brent Wisner of Baum Hedlund was one of the key negotiators of the settlements and was co-lead counsel on two of the three California Monsanto jury trials that occurred in the years leading up to the settlements. He also played a crucial role in the third trial. All three were substantial wins for the plaintiffs.

Wisner said that aside from the courtroom victories, the firm helped get hundreds of documents into the public record showing that Roundup presents a danger.

"The firm has a long and storied history of getting documents out from under seal and getting those documents in the hands of regulators and politicians and reporters, with the idea that we understand that winning a lawsuit and a trial is one thing, but if you want to use the law to change the world you have to get all of the stakeholders involved," Wisner said.

On the Roundup front, the firm also helped secure a victory in July 2020 when the California Court of Appeal for the First Appellate District upheld one of the three jury trial wins that led up to the settlement, although the \$289 million in total damages awarded by the jury were eventually reduced to \$20.5 million. In March, Bayer said it would not ask the U.S. Supreme Court to review the verdict.

Wisner, whose Roundup wins also earned him a spot as one of Law360's 2021 product liability Rising Stars, assisted with writing the appeal brief and helped prepare for argument.

The firm also scored a separate Monsanto victory when as co-counsel it finalized a \$39.5 million settlement in March in a proposed class action alleging that the company falsely advertised that the active ingredient in Roundup only affects plants. The deal includes changing the labels on its products.

The firm also took on the civil rights case of Lamar West, a resident of Orange County, whose lawsuit alleged that Irvine Mayor Christina Shea blocked him from her Facebook page over his criticism of her comments about Black Lives Matter. The city settled the case for nearly \$40,000 last year.

In the upcoming year, Baum Hedlund expects to see itself in court in its Zantac litigation, as the first trial is scheduled for October, and hopes to see progress in its representation of hundreds of Camp and Woolsey fire victims.

So far, the firm has settled several Camp Fire cases and two dozen Woolsey cases, including a wrongful-death case.

Ronald L. M. Goldman, who handles much of the fire litigation for Baum Hedlund, shares his colleagues' passion for the plaintiff's side of the aisle said he had "rarely represented a corporate interest."

Goldman said he hoped to keep making progress and was encouraged by the Camp Fire settlements so far. He said that defendant Pacific Gas & Electric Co. is "in bankruptcy, so everything is in the morass of

bankruptcy court and procedures. But we are in the process of beginning to get some mediations and settlements going there. And so I'm encouraged."

He added: "Many of our clients are desperate. Many of them are still living in makeshift facilities because they just have no money because everything they had burned up. Such a huge tragedy up there. It's heartbreaking in every sense."

--Editing by Karin Roberts.

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