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Lawyers
2022



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100 | **R. BRENT WISNER**

BAUM HEDLUND
ARISTEI & GOLDMAN
LOS ANGELES
PLAINTIFFS'
PHARMACEUTICAL &
TOXIC TORT LITIGATION

R. Brent Wisner is set to go to trial in November against Monsanto on behalf of a man who alleges he developed cancer from using the company's Roundup herbicide.

In February, he will lead the very first trial against pharmaceutical companies that made Zantac and other recalled heartburn medicines with the active ingredient ranitidine.

In May, he begins trial against most baby food manufacturers on behalf of about 2,000 families who blame heavy metals in baby food for their children's autism.

Wisner expressed optimism about his upcoming Roundup trial. After all, he won a \$289 million jury verdict against Monsanto in August 2018 and a \$2 billion verdict in April 2019. In between those, he was part of the trial team that won \$50 million from a federal jury in March 2019.

After the three victories, Wisner settled most of his 3,700 remaining Roundup cases. Then Monsanto won the next five Roundup trials against different plaintiffs' counsel.

He says he has a new advantage this time. In past cases, Monsanto argued that the EPA had approved Roundup as safe. But in June, in a case brought by the Natural Resources Defense Council, the 9th Circuit ruled that the EPA's analysis was scientifically invalid and must be redone.

In the November trial, Wisner said he can tell the jury that the EPA got it

wrong just like Monsanto got it wrong. "It's an interesting twist, for sure," he said. *Langford v Monsanto Co.*, CGC-21-592238 (S.F. Super. Ct., filed June 15, 2021).

Wisner is a co-lead plaintiffs' liaison counsel for the California Zantac cases, which have been coordinated as Ranitidine Product Cases, JCCP No. 5150. The medication was recalled in 2019 because it is contaminated with the carcinogen NDMA. Wisner's client in his upcoming bellwether trial took Zantac daily for 25 years.

The baby food trial will raise the disputed issue of the causes of autism. Wisner said, however, that in April, the judge in the case held a five-day evidentiary hearing on the issue and in May issued a 60-page decision holding that there is sufficient evidence to go to a jury. *N.C. v. Hain Celestial Group Inc.*, 21STCV22822 (L.A. Super. Ct., filed June 16, 2021).

Wisner has one more large pharmaceutical case he has been litigating for eight years. The unusual class action accuses drugmakers Takeda and Eli Lilly of racketeering by intentionally misleading consumers about the diabetes medication Actos' links to bladder cancer. He has been waiting six months for the judge's decision on class certification.

"I do tell myself that it doesn't take six months to deny a class," Wisner said.

— Don DeBenedictis