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TOP 40 UNDER 40

California's leading lawyers of 2019

R. Brent Wisner

Four years ago, R. Brent Wisner was an associate reviewing thousands of pages of documents on litigation which alleged Monsanto's Roundup weed killer causes cancer.

One of the lead attorneys handling the matter against the Bayer AG-owned company got injured and it opened a spot for Wisner on the trial roster.

"I wasn't a seasoned trial lawyer — just a 33-year-old wiseass," he said. "I actually was involved in all the nitty-gritty stuff, though."

Now, Wisner is a partner at his law firm and fresh off of a \$2 billion trial verdict against one of the largest pharmaceutical companies in the world.

The San Francisco County Superior Court award, reached last year, was later trimmed but Monsanto has yet to prevail in any court.

Wisner is intimately familiar with all aspects of the Roundup litigation.

He authored at least a portion of every brief filed in the federal multidistrict litigation before U.S. District Judge Vince Chhabria and the coordinated proceedings in state court before Superior Court Judge Winifred Y. Smith. *In re: Roundup Liability Litigation*, 16-MD02741 (N.D. Cal., filed Oct. 4, 2016; *Roundup Products Cases*, JCCP004953 (Alameda Super. Ct., filed Nov. 16, 2016).

"I became one of the custodians of the science," he said.

The Roundup weed killer contains the herbicide glyphosate, which the plaintiffs allege causes cancer.

Getting juries to believe that the company successfully manipulated the science on glyphosate was one of the most formidable hurdles in the Monsanto litigation, in part because the defense "literally sought to exclude essentially all the evidence," Wisner said.

Wisner attributed Smith's support of the jury verdict to the judge allowing more evidence.

Monsanto attorneys maintain they are waiting on verdicts in states other than California, but Wisner said the evidence is mounting against Bayer, which has lost about \$38 billion in stock value since buying Monsanto.



**Baum Hedlund
Aristei &
Goldman PC**

Los Angeles

Practice: Plaintiffs, mass torts,
and consumer class actions

Age: 35

In its post-trial appeals, the agrochemical company has repeatedly argued statements by Wisner are unduly prejudicial. Wisner is not deterred.

"We have an obligation to get our clients a trial because we know we can win," he said. "When it comes to this litigation and a global resolution, we're at war until we're at peace."

— Winston Cho