

A Delaware federal magistrate judge has reportedly denied Chiquita's request to be let out of litigation concerning Ecuadorian farmworkers' claims that they were poisoned from exposure to pesticides used on bananas.

U.S. Magistrate Judge Sherry R. Fallon of the District of Delaware denied Chiquita's motion to dismiss it from the Ecuadoran portion of a mass tort lawsuit filed by workers from South and Central America against multiple companies, including Dole Foods Co. Inc. and Dow Chemical Co, according to [Law](#).

Fallon said in a report and recommendations issued July 16 that although the Ecuadoran plaintiffs currently have no specific claims against Chiquita, they do have the opportunity to conduct additional discovery that could develop into concrete allegations, pursuant to a scheduling order in the case that provides direction for such disputes.

"Chiquita argues that because the Ecuadorian plaintiffs have not asserted claims against Chiquita, there are no claims on which they can conduct discovery, and any discovery at this time would be fishing for facts to support a claim against Chiquita," Fallon was quoted as saying.

"Chiquita's motion skirts the process established in paragraph 2 of the scheduling order, which provides plaintiffs the opportunity to conduct written discovery on the 'nature and evidentiary bases of the claims of Ecuadorian Plaintiffs.'"

The plaintiffs, who are from Ecuador, Panama and Costa Rica, claimed exposure to the pesticide dibromochloropropane (DBCP), which was sprayed in the soil and fields of banana plantations from the 1960s to the 1980s.

The mass tort action was filed in 2012 and was originally dismissed. However, the U.S. Court of Appeals for the Third Circuit held that the lower court's finding that it lacked jurisdiction to hear the case was erroneous, and sent it back for further proceedings.

*Read the full article [here](#).*