

A U.S. judge today supported Bayer's request to cut the US\$2 billion damages awarded to a Californian couple in May by a jury that ruled its glyphosate-based weed killer had caused their cancer, said [Reuters](#).

The company had in June asked Judge Winifred Y. Smith, of California's Alameda County Superior Court, to overrule the jury verdict, which determined that its Roundup weed killer had caused Alva and Alberta Pilliod's non-Hodgkin's Lymphoma (NHL).

Bayer argued that the ruling was not supported by the evidence.

Judge Smith, in a 15-page opinion, said the punitive damages that make up most of the award should be reduced. A hearing was scheduled to be held on Friday on the issue. If the parties fail to agree, the case will go to a retrial, Reuters reported.

"The court's tentative order proposes changes in the damage awards, which would be a step in the right direction," Bayer was quoted as saying in a statement.

Judge Smith's ruling said that the compensatory damages awarded by the jury for past non-economic loss were "not supportable by the evidence".

She also questioned the basis for the jury's larger damages award, indicating that punitive damages should typically be two-to-four times the combined economic and non-economic compensatory damages.

According to a Reuter's calculation, even assuming that compensatory damages are upheld, applying Judge Smith's logic would result in maximum punitive damages of US\$220 million - a fraction of the original jury award.

A Bayer spokesman declined to speculate on whether, and by how much, the damages award could be reduced pending Friday's hearing.

### **Another case sees damages award slashed by over US\$50m**

In a separate case, a federal judge on Monday slashed a damages award Bayer AG owed a California man who blamed Roundup weed killer for his cancer, from US\$80.27 million to US\$25.27 million, noted Reuters.

The judge rejected the company's bid for a new trial in this case, it added.

U.S. District Judge Vince Chhabria in San Francisco said evidence supported the US\$5.27

million in compensatory damages that a jury awarded Edwin Hardeman. He also said the jury acted reasonably in awarding punitive damages.

Still Chhabria reduced punitive damages to US\$20 million from US\$75 million.

The publication quoted him saying that while Monsanto “deserves to be punished” the higher award was “constitutionally impermissible” because it was nearly 15 times the compensatory damages award.

“Monsanto’s conduct, while reprehensible, does not warrant a ratio of that magnitude, particularly in the absence of evidence showing intentional concealment of a known or obvious safety risk,” Chhabria was quoted as saying.