

\$105 Million Atrazine Settlement in Korein Tillery Suits Shared By Public Water Systems in 45 States

National Settlement Reimburses Public for Costs of Filtering Atrazine from Drinking Water for More than 52 Million Americans

(St. Louis, Missouri – May 25, 2012) A national settlement in federal and state class-action suits over contamination of drinking water by the weed killer Atrazine will distribute \$105 million to community systems that deliver drinking water to more than 52 million Americans, lead plaintiffs' lawyer [Stephen M. Tillery of Korein Tillery LLC](#) in St. Louis announced today.

Tillery said the settlement with Syngenta Corp. – the Swiss-based, multinational agricultural company that manufactures and distributes Atrazine – was filed in federal court late yesterday. It will provide financial recoveries for costs that have been borne for decades by more than 1,887 community water systems (CWS) that provide drinking water more than one in six Americans across at least 45 states.

Comprehensive information on the debate about Atrazine can be found in a [New York Times story](#) that ran in 2009 and has been recognized as authoritative.

The individual amounts that eligible CWSs will recover will be calculated based on the levels of Atrazine and frequency of Atrazine contamination measured in the water of impacted CWSs and the population served by each CWS. Tillery said some 300 CWSs with the highest contamination levels will recover 100 percent of their costs.

“The scope of this historic settlement is enormous and its protection of the health of millions of Americans across the country is a huge benefit to the public, the environment, and the taxpayers,” Tillery said.

Former Chief Justice Michael Wolff of the Missouri Supreme Court, now a professor of law at St. Louis University, called the settlement a remarkable achievement that would have far-reaching impact on the safety and quality of the public drinking water across the country, as well as on the environment and on environmental law.

“I can't think of many other law firms anywhere that would have had the expertise, the resources, the depth, or the endurance to fight for the safety of the American public's drinking water for more than eight years and to wage this battle simultaneously on two fronts – in the state and federal courts,” Wolff said. “This settlement is just a remarkable achievement and an extraordinary benefit to the public and to communities across the country.”

Wolff noted that handling cases of this magnitude by a law firm requires thousands of hours of work by an army of attorneys and teams of expert document examiners that study millions of pages of complex, technical, and scientific reports and studies, and equal numbers of corporate documents from daily emails to internal reports. Law firms must consult with experts on the scientific facts and issues involved, highly specialized medical

and research issues, federal and state regulations involving the use of chemicals, and, in this case, technical data about treatment and filtering of public drinking water.

“It’s a tremendously complex and intricate undertaking that requires high levels of expertise in the law and science, an unbelievable number of man hours, and huge expenditures by the law firm – all with the possibility of never recovering a single cent,” Wolff said. “But firms like Korein Tillery take on these kinds of cases because they are the only way that most plaintiffs can afford to get this level of expert legal representation to seek small recoveries that would not be economically feasible as individual cases.”

If finally approved by U.S District Judge J. Phil Gilbert in U.S. District Court for the Southern District of Illinois, the settlement would end two class-action suits that Tillery filed against Syngenta: the federal suit in 2010 and an Illinois State Court action on behalf of Illinois water providers in 2004.

In the settlement, Syngenta expressly denies any liability for contamination of drinking water by Atrazine and any risk to public health from the herbicide. Atrazine is a widely used herbicide sprayed primarily on corn and sorghum fields.

Atrazine Settlement Details

- Under the proposed settlement, Syngenta would pay \$105 million to pay the claims of the nearly 2,000 CWS that have ever experienced Atrazine contamination, costs, and attorneys’ fees.
- The settlement resolves the claims of CWSs raised in this lawsuit. It will have no impact on any consumer’s ability to bring an action for personal injury as a result of ingestion of Atrazine. It will also not prevent a CWS from bringing a lawsuit in connection with a point-source spill or against a farmer or applicator who used Atrazine other than in accordance with the label instructions.
- Any CWS that does not want to be bound to the terms of the settlement has until August 27, 2012, to exclude itself.
- Every CWS that has ever found a measurable level of Atrazine in its raw or finished water is eligible for payment.
- Each CWS's share will be determined based on their historical atrazine contamination levels and volume of water filtered.
- Generally, CWSs that processed more water or frequently had high concentrations of atrazine are eligible for more money; CWSs that processed less water or whose atrazine contamination was sporadic or limited will get less money.
- All of the \$105 million will be distributed. None will revert to Syngenta.
- Public records and other data available to the plaintiffs show that approximately 2,000 CWSs have detected Atrazine in their water.

- Each of these systems will receive direct-mail notice of the settlement.
- Additionally, notice of the settlement will be published in three magazines that are read by potentially-affected CWSs.
- CWSs will have all summer, until August 27, to test their water and submit their claims.
- The claims process is extremely simple. A CWS will go to a settlement website (<http://www.atrazinesettlement.com>) that already contains all Atrazine test results obtained by plaintiffs' attorneys, confirm its accuracy, and click a button to submit its claim. If the CWS has additional testing results, it can upload those test results through the website.

Korein Tillery, based in St. Louis with offices in Chicago, has earned an international reputation as a plaintiffs' firm that has recovered billions of dollars in verdicts and settlements in cases related to pension funds, insurance, securities, antitrust, telecommunications, pharmaceuticals, environmental contamination, tobacco, computer technology, and consumer fraud. Among its many cases representing government agencies, as well as individuals, Korein Tillery handled a series of award-winning suits that [recovered approximately \\$200 million for more than 200 cities across Missouri](#) from telecommunications companies who failed to pay municipal taxes on cellular and landline services.

[Korein Tillery is the only Midwest-based plaintiffs' firm to be named to the Plaintiffs' Hot List by the National Law Journal](#), making the list in 2011 for a fifth time in the eight years the list has been published.