

Federal Judge Gives Preliminary Approval to \$105 Million Atrazine Settlement For Public Water Systems

A federal judge in Southern Illinois granted preliminary approval Wednesday to a national class-action settlement over contamination of drinking water by the weed killer atrazine that will distribute \$105 million to community water systems (CWS) providing drinking water to more than 52 million Americans, lead plaintiffs' lawyer Stephen M. Tillery of Korein Tillery LLC in St. Louis announced.

St. Louis, MO ([PRWEB](#)) May 31, 2012 -- A federal judge in Southern Illinois granted preliminary approval Wednesday to a national class-action settlement over contamination of drinking water by the weed killer atrazine that will distribute \$105 million to community water systems (CWS) providing drinking water to more than 52 million Americans, lead plaintiffs' lawyer Stephen M. Tillery of Korein Tillery LLC in St. Louis announced.

After a 90-minute hearing in Benton, Illinois, U.S District Judge J. Phil Gilbert of the U.S. District Court for the Southern District of Illinois certified the matter as a class and immediately gave preliminary approval to the settlement with Syngenta AG – the Swiss-based, multinational agrichemical company that manufactures and distributes atrazine – and Syngenta Crop Protection, LLC, its U.S. subsidiary (*City of Greenville v. Syngenta Crop Protection*, S.D. Ill., No. 3:10-cv-00188). Tillery filed the proposed settlement agreement between Syngenta and the CWSs with Gilbert on May 24 to end the federal suit Tillery filed in 2010. If given final approval by Gilbert in October, the settlement also would close similar state suits Tillery filed in Madison County, Illinois, in 2004.

In the hearing, Tillery told Gilbert that the settlement provides financial recoveries to CWSs that have detected atrazine in their raw or finished drinking water impacting one in six Americans. Tillery said that under the terms of the settlement, CWSs that had registered the most serious atrazine contamination levels would receive proportionally higher recoveries – with hundreds of them recovering amounts between \$100,000 to more than \$1 million.

In a public statement, Tillery said, “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 CWSs would be notified of the proposed settlement by direct mail, publication in trade magazines, or through a special website to be set up at www.atrazinesettlement.com.

In the settlement, Syngenta expressly denies any liability for contamination of drinking water by atrazine and any risk to public health from the herbicide. Syngenta attorney Michael Pope of Chicago told Gilbert in court Wednesday that the settlement “buys peace” for Syngenta and avoids similar suits over atrazine for at least 10 years. “This is a good settlement,” Pope told the judge.

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.”

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.

Atrazine Settlement Details

- Under the proposed settlement Syngenta, would pay \$105 million to pay the claims of the estimated 2000 CWSs who have experienced atrazine contamination, costs and attorneys fees.
- The settlement resolves the claims of CWSs raised in these lawsuits. 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 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, frequency of atrazine contamination, and population served.

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- Generally, CWSs that processed more water or frequently had high concentrations of atrazine will get 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 Plaintiffs' attorneys show that approximately 2000 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 widely read by those responsible for managing 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 (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.

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Korein Tillery is an AV-rated, award-winning law firm with offices in St. Louis and Chicago that has recovered billions of dollars in verdicts and settlements in a variety of cases across the country involving pension funds, insurance, securities, antitrust, telecommunications, pharmaceuticals, environmental contamination, tobacco, computer technology, and consumer fraud. The firm has gained a national reputation for aggressively and successfully pursuing a wide variety of complex cases on behalf of its clients. Korein Tillery is the only Midwest-based firm named by the National Law Journal to its "Plaintiffs' Hot List" in 2011, and has previously made the list in 2008, 2007, 2004, and 2003 as one of the nation's top plaintiffs' law firms in all specialties. More information is available at www.koreintillery.com



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