

# Hon. Jay C. Gandhi (Ret.)



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**Hon. Jay C. Gandhi (Ret.)** brokered a class action settlement in *Long Beach, et al. v. Monsanto, et al.* and related Attorneys General actions. The contentious cases, involving environmental contamination of waterways, had been pending in multiple jurisdictions across the United States since 2015 and were settled in the summer of 2020. Highlights of the landmark settlements include:

## **“Bayer Reached Major \$820M Settlement Over PCBs” by Michael Phillis (Law360)**

- “[Defendant] agreed on Wednesday to pay \$820 million to settle allegations brought by the city of Long Beach, California, and a slew of other local governments that say they face increased costs due to Monsanto’s contamination of waterways.”
- “The settlement includes 2,500 cities, towns, independent port districts and other entities in 36 states....”

## **State of Washington, Office of the Attorney General**

- “After three years of intense litigation — including defeating multiple efforts by Monsanto to have the case dismissed and moved to federal court — Monsanto will pay \$95 million as compensation for damages PCBs have inflicted on the state’s natural resources ....”
- “This is Washington’s largest independent state environmental recovery against a single entity.”

## **District of Columbia, Office of the Attorney General**

- “Attorney General Karl A. Racine today announced that Monsanto will pay \$52 million to resolve a lawsuit over the company’s production, promotion, and sale of toxic polychlorinated biphenyls (PCBs) that damaged the District’s natural resources and put the health of residents at risk.”
- “There are at least 36 bodies of water in the District with high levels of PCB contamination, including the Potomac and Anacostia Rivers.”

## **Bloomberg Press Release**

- “The cases were collectively litigated for over 5 years and were mediated and resolved through JAMS Mediator Judge (Ret.) Jay Gandhi.”
- “The proposed class action will provide all class members with a monetary benefit and will additionally provide funds for those governmental entities that have incurred or will incur significant expense to protect and remediate America’s waterways, sediment and stormwater systems.”

## **Bayer AG/Monsanto Press Release**

- “Bayer also announced a series of agreements that resolve cases representing most of the company’s exposure to PCB water litigation. One agreement establishes a class that includes all local governments with EPA permits involving water discharges impaired by PCBs. Bayer will pay a total of approximately \$650 million to the class, which will be subject to court approval.”
- “At the same time, the company has entered into separate agreements with the Attorneys General of New Mexico, Washington, and the District of Columbia to resolve similar PCB claims. For these agreements, which are separate from the class, Bayer will make payments that together total approximately \$170 million.”

## **PCB Class Settlement Motion Excerpt**

- “This Settlement is the result of contentious, prolonged, arm’s length negotiations during in-person meetings and numerous telephone conference mediation sessions....”
- “The mediation process was led by JAMS mediator Judge (Ret.) Jay Gandhi. The Parties negotiated a resolution to litigation that has been pending since early 2015 in several jurisdictions across the United States.”