



# CENTER FOR FOOD SAFETY

## Monsanto v. U.S. Farmers 2012 Update

In 2005, the Center for Food Safety released *Monsanto vs. U.S. Farmers*,<sup>1</sup> a groundbreaking report that documents the Monsanto Company's unprecedented use of patents and restrictive licensing agreements to investigate and sue farmers for suspected seed-saving. Monsanto and its hired investigators continue to harass, intimidate and prosecute U.S. farmers, primarily in cases involving alleged saving and replanting of the company's Roundup Ready soybeans. Below, we provide an update on the numbers and status of recorded lawsuits filed by Monsanto against U.S. farmers.<sup>2</sup> We also provide estimates based on Monsanto Company documents that encompass the much more common outcome of cases brought by Monsanto against farmers: confidential, out-of-court settlements that go unrecorded in public court records.

### Number of Lawsuits Filed Against U.S. Farmers:

- As of November 28, 2012, Monsanto had filed 142 lawsuits against farmers for alleged violations of its Technology Agreement and/or its patents on genetically engineered seeds.<sup>3</sup>
- These cases have involved 410 farmers and 56 small farm businesses.

### Status of Lawsuits:

- 72 lawsuits ended in recorded damages awarded to Monsanto.
- 27 lawsuits ended in unrecorded damages awarded to Monsanto (confidential settlements).
- 14 lawsuits were dismissed, with no indication of whether damages were awarded to Monsanto.
- 11 lawsuits were ongoing as of November 28, 2012.

### Lawsuits Filed by State:

- Monsanto has sued farmers and small farm businesses in *at least* 27 different states.

### Recorded Judgment (as of November 28, 2012):

- Sums awarded to Monsanto in 72 recorded judgments against farmers totaled \$23,675,820.99.
- The largest judgment was \$3,052,800.00.
- The smallest judgment was \$5,595.00.

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<sup>1</sup> Monsanto vs. U.S. Farmers, available at:

<http://www.centerforfoodsafety.org/pubs/CFSMonsantovsFarmerReport1.13.05.pdf>

<sup>2</sup> Unless otherwise noted, these statistics were compiled by Center for Food Safety from public court records accessed using the PACER database, available at <http://pacer.uspci.uscourts.gov>. Figures are current as of November 28, 2012.

<sup>3</sup> We have excluded cases that do not involve alleged seed-saving by farmers.



## Out-of-Court Settlements:

These recorded judgments fail to convey a true picture of the scope of Monsanto's aggressive actions against U.S. farmers. This is because the majority of cases brought by Monsanto end in confidential, out-of-court settlements. Press reports and Monsanto's own statements suggest that the company investigates roughly 500 farmers each year.<sup>4</sup> In one case, *Monsanto vs. McFarling*, District Court Judge Catherine D. Perry stated "[t]he vast majority of cases filed by Monsanto against farmers have been settled before any extensive litigation took place."<sup>5</sup>

Center for Food Safety has compiled information formerly available on Monsanto's website to arrive at estimates of the total sums paid to Monsanto by farmers in what the company calls "seed piracy matters." Appendix I summarizes these estimates for 19 states. Appendix II reproduces the ten "Seed Piracy Updates" upon which our compilation is based.

- As of June 2006, Monsanto had instituted an estimated 2,391 to 4,531 "seed piracy matters" against farmers in 19 states.
- Farmers have paid Monsanto an estimated \$85,653,601 to \$160,594,230 in settlements of these seed piracy matters.
- The number of seed piracy matters reported by Monsanto is 20 to 40 times the number of lawsuits we have found in public court records.
- The estimated total of settlements paid to Monsanto by farmers (\$85.7 to \$160.6 million) exceeds by four to eight times the total of recorded judgments (\$21.6 million).

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<sup>4</sup> *Monsanto vs. U.S. Farmers*, *supra* n. 1 at 23-24.

<sup>5</sup> *Monsanto Co. vs. McFarling*, 2005 WL 1490051, \*5 (E.D. Mo. 2005).

## Appendix I


### Monsanto's vs. U.S. Farmers

Estimates of Number of "Seed Piracy Matters" by Region/State and Sums Paid by Farmers to Monsanto

Region or State	No. of Counties	Min. No. Cases	Max. No. Cases	Seed Piracy Update	Average Settlement	Maximum Settlement	Minimum Collected	Maximum Collected
North & South Carolina	58	289	505	June 2006	\$72,229	\$919,068	\$20,874,181	\$36,475,645
Missouri and Kansas	114	422	785	June 2006	\$28,442	\$195,636	\$12,002,524	\$22,326,970
Illinois	81	307	564	June 2006	\$34,476	\$200,000	\$10,584,132	\$19,444,464
Minnesota, North & South Dakota	100	291	574	June 2006	\$32,317	\$136,333	\$9,404,247	\$18,549,958
Michigan and Ohio	89	312	584	May 2006	\$28,111	\$96,400	\$8,770,632	\$16,416,824
Indiana	74	223	434	June 2006	\$33,934	\$225,000	\$7,567,282	\$14,727,356
Kentucky	23	68	131	June 2006	\$83,867	\$230,000	\$5,702,956	\$10,986,577
Iowa	90	276	532	June 2006	\$20,536	\$175,000	\$5,667,936	\$10,925,152
VA, MD, DE, NJ, PA	39	80	175	June 2006	\$37,671	\$52,073	\$3,013,680	\$6,592,425
Nebraska	43	123	247	June 2006	\$16,797	\$48,139	\$2,066,031	\$4,148,859
<b>TOTALS</b>	<b>711</b>	<b>2391</b>	<b>4531</b>				<b>\$85,653,601</b>	<b>\$160,594,230</b>

Ten documents entitled "Seed Piracy: [State/Region] Local Update" were downloaded in the summer of 2006 from [www.monsantoperformance.com](http://www.monsantoperformance.com) for the given states/regions (see Appendix II). All documents dated 06/06 except Michigan-Ohio (05/06). As of October 24, 2007, documents no longer posted. Methodology: On each state/regional Seed Piracy Update, Monsanto provides a map of "seed piracy matters" by county. The map is color-coded by county for 1-3, 4-7, 8-13, 14-23 or 24-36 seed piracy matters. Adding together the lower-bound figures for each county provides the minimum number of cases, while adding together the upper-bound figures for each county provides the maximum number of cases, for the given state or region. Multiplication of the minimum and maximum seed piracy matters by the "average settlement" for the state/region gives the minimum and maximum settlement amounts for the given state/region. Summation of these figures for all ten "Seed Piracy" updates gives the estimated minimum number of settlements (2,391), the maximum number of settlements (4,531), and the range of settlement amounts for the 19 states covered by the ten documents. All cases involved Roundup Ready soybeans.

## Appendix II Monsanto's "Seed Piracy" Updates<sup>6</sup>



# Seed Piracy

Updates & Summaries

## Missouri/Kansas Local Update

### Serious About Seed Stewardship

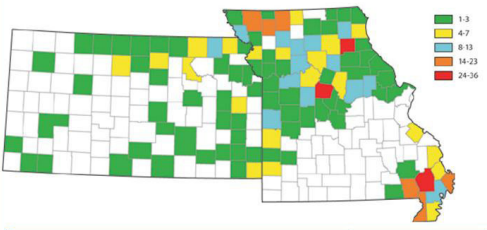
Monsanto is committed to enhancing your productivity and profitability by bringing new seed technologies to market. As such, Monsanto patents seed and seed traits to protect its intellectual property. When growers purchase patented seed, they agree to respect the property rights held by the seed and trait providers.

Unfortunately, Monsanto has had to pursue several seed piracy matters (SPM) in Missouri and Kansas during the last several years.

### Missouri and Kansas Infringements

The items below represent growers caught infringing Monsanto's patents in Missouri and Kansas. All of these cases involved saving Roundup Ready<sup>®</sup> Soybeans.

Seed Piracy Matters by County




Resolution Type	Grand Total
Average Settlement in MO/KS	\$28,442
Maximum Settlement in MO/KS	\$195,636
Average U.S. Settlement	\$90,882
Average U.S. Settlement \$/Unit	~\$100

Monsanto returns all pretrial cash settlements back to rural America through the Commitment to Agriculture Scholarship Program and related youth initiatives. Over the past seven years alone the scholarship program has awarded nearly \$900,000 to 650 farm youth pursuing an education and career in agriculture. For more information, visit [www.monsanto.com](http://www.monsanto.com).

Monsanto receives hundreds of calls and letters each year about potential seed piracy cases nationwide. Anyone with concerns or questions about seed piracy can anonymously call 1-800-768-6387.

**ALWAYS READ AND FOLLOW PESTICIDE LABEL DIRECTIONS.** Roundup Ready<sup>®</sup> a registered trademark of Monsanto Technology LLC. ©2006 Monsanto Company. Roundup Ready technology is protected under one or more of the following U.S. Patent Nos.: 4,940,835; 5,186,642; 5,352,605; 5,530,196; 5,633,436; 5,717,084; 5,728,925; 5,804,425. MO/KS-06/06



# Seed Piracy

Updates & Summaries

## North Carolina/South Carolina Local Update

### Serious About Seed Stewardship

Monsanto is committed to enhancing your productivity and profitability by bringing new seed technologies to market. As such, Monsanto patents seed and seed traits to protect its intellectual property. When growers purchase patented seed, they agree to respect the property rights held by the seed and trait providers.

Unfortunately, Monsanto has had to pursue several seed piracy matters (SPM) in North Carolina and South Carolina during the last several years.

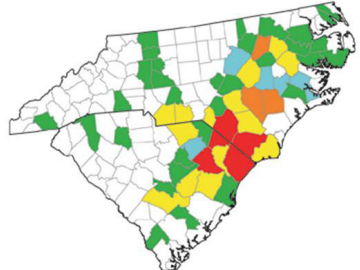
### North Carolina and South Carolina Infringements

The items below represent growers involved in seed piracy matters in North Carolina and South Carolina. All of these cases involved saving Roundup Ready<sup>®</sup> Soybeans.

Resolution Type	Grand Total
Average Settlement in NC/SC	\$72,229
Maximum Settlement in NC/SC	\$919,068
Average U.S. Settlement	\$90,882
Average U.S. Settlement \$/Unit	~\$100

IT'S NOT WORTH THE RISK!

- Loss of Technology License—Loss of Access to All Traits
- Financial Exposure up to \$500/acre
- Litigation Costs
- Crop Destruct



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**ALWAYS READ AND FOLLOW PESTICIDE LABEL DIRECTIONS.** Roundup Ready<sup>®</sup>, and YieldGard<sup>®</sup> a registered trademark of Monsanto Technology LLC. ©2004 Monsanto Company. THESE SEEDS ARE PROTECTED UNDER ONE OR MORE OF THE FOLLOWING UNITED STATES PATENT Nos. 4,940,835; 5,186,642; 5,352,605; 5,530,196; 5,633,435; 5,717,084; 5,728,925; AND 5,804,425. NC-SC 06/06

<sup>6</sup> Documents downloaded from [www.monsantoperformance.com](http://www.monsantoperformance.com) in the summer of 2006. As of October 24, 2007, no longer posted.

# Seed Piracy

Updates & Summaries

## Illinois Local Update

### Serious About Seed Stewardship

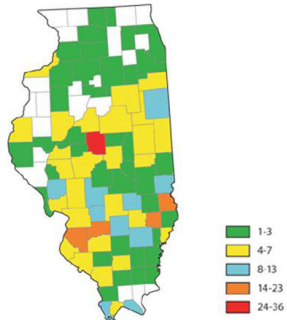
Monsanto is committed to enhancing your productivity and profitability by bringing new seed technologies to market. As such, Monsanto patents seed and seed traits to protect its intellectual property. When growers purchase patented seed, they agree to respect the property rights held by the seed and trait providers.

Unfortunately, **Monsanto has had to pursue several seed piracy matters (SPM)** in Illinois during the last several years.

### Illinois Infringements

The items below represent growers involved in seed piracy matters in Illinois. All of these cases involved saving Roundup Ready® Soybeans.

### Seed Piracy Matters by County



Monsanto receives hundreds of calls and letters each year about potential seed piracy cases nationwide. Anyone with concerns or questions about seed piracy can anonymously call 1-800-768-6387.

Resolution Type	Grand Total
Average Settlement in IL	\$34,476
Maximum Settlement in IL	\$200,000
Average U.S. Settlement	\$90,882
Average U.S. Settlement \$/Unit	~\$100

### IT'S NOT WORTH THE RISK!

- Loss of Technology License—Loss of Access to All Traits
- Financial Exposure up to \$500/acre
- Litigation Costs
- Crop Destruct

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# Seed Piracy

Updates & Summaries

## Minnesota/North Dakota/South Dakota Local Update

### Serious About Seed Stewardship

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Unfortunately, **Monsanto has had to pursue several seed piracy matters (SPM)** in Minnesota North Dakota and South Dakota during the last several years.

### Dealer Notice

Monsanto has been awarded a court judgment by the Eastern District Court of Missouri, Eastern Division, against a Sargent County, North Dakota grower for patent infringement and breach of contract. Due to the willful nature of this seed piracy, the court will award damages, court costs and attorney fees to Monsanto. In light of THE Court's finding that the grower willfully infringed upon Monsanto's patent rights, Monsanto will ask the Court to treble the damages awarded. As a reminder, dealers **should regularly check the Unauthorized Grower!** list on [www.FarmSource.com](http://www.FarmSource.com) to get the latest in grower license status.

Resolution Type	Grand Total
Average Settlement in MN/ND/SD	\$32,317
Maximum Settlement in MN/ND/SD	\$136,333
Average U.S. Settlement	\$90,882
Average U.S. Settlement \$/Unit	~\$100

### IT'S NOT WORTH THE RISK!

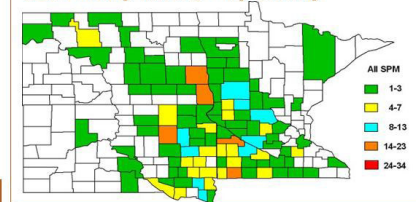
- Loss of Technology License—Loss of Access to All Traits
- Financial Exposure up to \$500/acre
- Litigation Costs
- Crop Destruct

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### Minnesota/North Dakota/South Dakota Infringements

The items below represent growers involved in seed piracy matters in Minnesota/North Dakota/South Dakota. All of these cases involved saving Roundup Ready® Soybeans.

### Seed Piracy Matters - by County



Monsanto returns all pretrial settlements back to rural America through the Commitment to Agriculture Scholarship Program and related youth initiatives. Over the past seven years alone the scholarship program has awarded nearly \$900,000 to 650 farm youth pursuing an education and career in agriculture. For more information, visit [www.monsanto.com](http://www.monsanto.com).

Monsanto receives hundreds of calls and letters each year about potential seed piracy cases nationwide. Anyone with concerns or questions about seed piracy can anonymously call 1-800-768-6387.

# Seed Piracy

Updates & Summaries

## Michigan/Ohio Local Update

### Serious About Seed Stewardship

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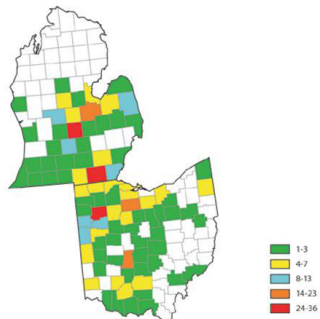
Unfortunately, Monsanto has had to pursue several seed piracy matters in Michigan and Ohio during the last four years, including Monsanto's ongoing litigation efforts with William R. Potts of Mt. Sterling, Ohio. The litigation stems from a lawsuit filed July 23, 2003.

Monsanto alleges that Potts infringed upon its patent rights through unauthorized sales of Roundup Ready<sup>®</sup> Soybean seed. Recent efforts in the litigation have focused on establishing the scope of the alleged infringing conduct by Potts. Monsanto anticipates the case will be set for trial in late 2005 or early 2006.

### Michigan/Ohio Infringements

The items below represent growers involved in seed piracy matters in Michigan/Ohio. All of these cases involved saving Roundup Ready Soybeans.

### Seed Piracy Matters by County



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Resolution Type	Grand Total
Average Settlement in MI/OH	\$28,111
Maximum Settlement in MI/OH	\$96,400
Average U.S. Settlement	\$90,882
Avg. U.S. Settlement \$/unit	~\$100

### IT'S NOT WORTH THE RISK!

- Loss of Technology License—Loss of Access to All Traits
- Financial Exposure up to \$500/acre
- Litigation Costs
- Crop and/or Seed Destruct

Monsanto returns all pretrial cash settlements back to rural America through the Commitment to Agriculture Scholarship Program and related youth initiatives. Over the past seven years alone the scholarship program has awarded nearly \$900,000 to 650 farm youth pursuing an education and career in agriculture. For more information, visit [www.monsanto.com](http://www.monsanto.com).

Monsanto receives hundreds of calls and letters each year about potential seed piracy cases nationwide. Anyone with concerns or questions about seed piracy can anonymously call **1-800-768-6387**.

# Seed Piracy

Updates & Summaries

## Indiana Local Update

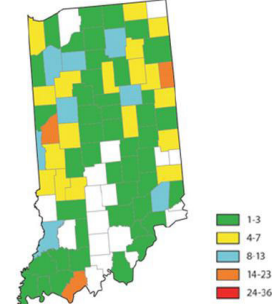
### Serious About Seed Stewardship

Monsanto recently settled seed piracy claims against three soybean producers and related entities who farm in Jefferson and/or Jennings County, Indiana, for \$225,000. The growers collectively admitted violating one of the patents protecting Roundup Ready<sup>®</sup> Soybeans during the 2003 growing season. In addition to the monetary penalty, the growers agreed to the entry of a permanent injunction prohibiting them from making, using, or selling any brand of seed containing a Monsanto patented seed trait. These terms are part of a Judgment and Permanent Injunction entered on May 10, 2005 by the United States District Court for the Southern District of Indiana, in New Albany.

### Indiana Infringements

The items below represent growers involved in seed piracy matters in Indiana. All of these cases involved saving Roundup Ready<sup>®</sup> Soybeans.

### Seed Piracy Matters by County



Monsanto receives hundreds of calls and letters each year about potential seed piracy cases nationwide. Anyone with concerns or questions about seed piracy can anonymously call **1-800-768-6387**.

Resolution Type	Grand Total
Average Settlement in Indiana	\$33,934
Maximum Settlement in Indiana	\$225,000
Average U.S. Settlement	\$90,882
Average U.S. Settlement \$/Unit	~\$100

### IT'S NOT WORTH THE RISK!

- Loss of Technology License—Loss of Access to All Traits
- Financial Exposure up to \$500/acre
- Litigation Costs
- Crop Destruct

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# Seed Piracy

Updates & Summaries

## Kentucky Local Update

### Serious About Seed Stewardship

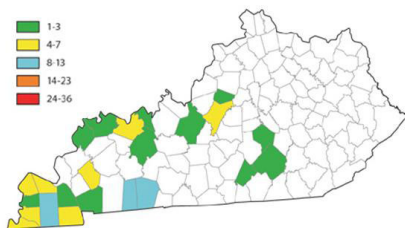
Monsanto is committed to enhancing your productivity and profitability by bringing new seed technologies to market. As such, Monsanto patents seed and seed traits to protect its intellectual property. When growers purchase patented seed, they agree to respect the property rights held by the seed and trait providers.

Unfortunately, Monsanto has had to pursue several seed piracy matters (SPM) in Kentucky during the last several years.

### Kentucky Infringements

The items below represent growers caught infringing Monsanto's patents in Kentucky. All of these cases involved saving Roundup Ready® Soybeans.

#### Seed Piracy Matters by County



Monsanto receives hundreds of calls and letters each year about potential seed piracy cases nationwide. Anyone with concerns or questions about seed piracy can anonymously call 1-800-768-6387.

Resolution Type	Grand Total
Average Settlement in Kentucky	\$83,867
Maximum Settlement in Kentucky	\$230,000
Average U.S. Settlement	\$90,882
Average U.S. Settlement \$/Unit	~\$100

### IT'S NOT WORTH THE RISK!

- Loss of Technology License—Loss of Access to All Traits
- Financial Exposure up to \$500/acre
- Litigation Costs

Monsanto returns all pretrial cash settlements back to rural America through the Commitment to Agriculture Scholarship Program and related youth initiatives. Over the past seven years alone the scholarship program has awarded nearly \$900,000 to 650 farm youth pursuing an education and career in agriculture. For more information, visit [www.monsanto.com](http://www.monsanto.com).

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# Seed Piracy

Updates & Summaries

## Iowa Local Update

### Serious About Seed Stewardship

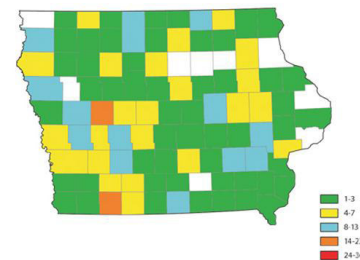
Monsanto is committed to enhancing grower productivity and profitability by bringing new seed technologies to market. As such, Monsanto patents seed and seed traits to protect its intellectual property. When growers purchase patented seed, they agree to respect the property rights held by the seed and trait providers. Unfortunately, Monsanto has had to pursue several seed piracy matters in IOWA over the last couple of years.

In addition, Monsanto filed litigation on two seed dealers, one against *Mark Hill and Hill Seed Company* and a second suit against *S.B.D., Inc. (dba Scott's Quality Seeds and Scott McAllister)*. Mark Hill was ordered to pay \$979,276 for breach of contract plus attorney fees in addition to any damages, to be determined, for patent infringement and trademark infringement. S.B.D. Inc. settled for \$1 million on 9/9/04. Both Hill and S.B.D. have been enjoined from making, using, selling, transferring or offering to sell or transfer any Roundup Ready® Soybean, Roundup Ready® Corn or YieldGard® Corn seed.

### Iowa Infringements

The items below represent growers involved in seed piracy matters in Iowa. All of these cases involved saving Roundup Ready® Soybeans.

#### Seed Piracy Matters by County



Monsanto receives hundreds of calls and letters each year about potential seed piracy cases nationwide. Anyone with concerns or questions about seed piracy can anonymously call 1-800-768-6387.

Resolution Type	Grand Total
Average Settlement in Iowa	\$20,536
Maximum Settlement in Iowa	\$175,000
Average U.S. Settlement	\$90,882
Average U.S. Settlement \$/Unit	~\$100

### IT'S NOT WORTH THE RISK!

- Loss of Technology License—Loss of Access to All Traits
- Financial Exposure up to \$500/acre
- Litigation Costs
- Crop Destruct

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# Seed Piracy

Updates & Summaries

## Virginia/Pennsylvania/New Jersey/ Maryland/Delaware Local Update

### Serious About Seed Stewardship

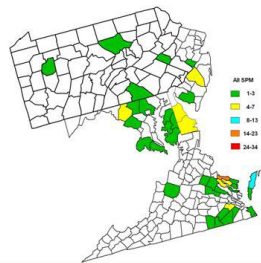
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Unfortunately, Monsanto has had to pursue several seed piracy matters (SPM) in Virginia, Pennsylvania, New Jersey, Maryland, Delaware during the last several years.

#### Virginia, Pennsylvania, New Jersey, Maryland, Delaware Infringements

The items below represent growers involved in seed piracy matters in Virginia/Pennsylvania/New Jersey/Maryland/Delaware. All of these cases involved saving Roundup Ready® Soybeans.

#### Seed Piracy Matters by County



Monsanto receives hundreds of calls and letters each year about potential seed piracy cases nationwide. Anyone with concerns or questions about seed piracy can anonymously call 1-800-768-6387.

Resolution Type	Grand Total
Average Settlement in VA/PA/NJ/MD/DE	\$37,671
Maximum Settlement in VA/PA/NJ/MD/DE	\$52,073
Average U.S. Settlement	\$90,882
Average U.S. Settlement \$/Unit	~\$100

#### IT'S NOT WORTH THE RISK!

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- Financial Exposure up to \$500/acre
- Litigation Costs
- Crop Destruct

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# Seed Piracy

Updates & Summaries

## Nebraska Local Update

### Serious About Seed Stewardship

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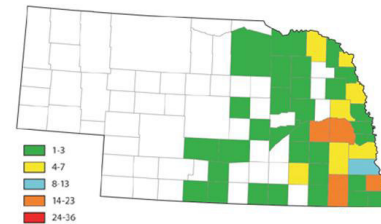
Unfortunately, Monsanto has had to pursue several seed piracy matters (SPM) in Nebraska during the last several years.

#### Nebraska Infringements

The items below represent growers involved in seed piracy matters in Nebraska. All of these cases involved saving Roundup Ready® Soybeans.

Resolution Type	Grand Total
Average Settlement in NE	\$16,797
Maximum Settlement in NE	\$48,139
Average U.S. Settlement	\$90,882
Average U.S. Settlement \$/Unit	~\$100

#### Seed Piracy Matters by County



#### IT'S NOT WORTH THE RISK!

- Loss of Technology License—Loss of Access to All Traits
- Financial Exposure up to \$500/acre
- Litigation Costs
- Crop Destruct

Monsanto returns all pretrial settlements back to rural America through the Commitment to Agriculture Scholarship Program and related youth initiatives. Over the past seven years alone the scholarship program has awarded nearly \$900,000 to 650 farm youth pursuing an education and career in agriculture. For more information, visit [www.monsanto.com](http://www.monsanto.com).

Monsanto receives hundreds of calls and letters each year about potential seed piracy cases nationwide. Anyone with concerns or questions about seed piracy can anonymously call 1-800-768-6387.

ALWAYS READ AND FOLLOW PESTICIDE LABEL DIRECTIONS. Roundup Ready® a registered trademark of Monsanto Technology LLC. ©2005 Monsanto Company. Roundup Ready technology is protected under one or more of the following U.S. Patent Nos.: 4,940,835; 5,189,642; 5,362,606; 5,530,196; 5,633,435; 5,717,084; 5,720,925; 5,804,425. NE-06/06