

Class action targets herbicide manufacturer

Claimants say product meant to wipe out only weeds also killed trees

By: Michigan Lawyers Weekly Staff in Verdicts & Settlements December 10, 2013

An environmental class-action lawsuit was filed July 8, 2011, in Oakland County Circuit Court. It concerned numerous Michigan-based complaints of damage and death to trees after the application of Imprelis herbicide manufactured by DuPont. The herbicide was intended to kill unwanted weeds while leaving other vegetation intact, but it proved to kill trees and other nontarget vegetation.

This was the first Imprelis class action filed in the U.S. This case and several similar cases that followed were consolidated into *In Re: Imprelis Herbicide Marketing Sales Practices and Products Liability Litigation*, in U.S. District Court for the Eastern District of Pennsylvania.

Subsequent to the filing of the litigation, DuPont announced Aug. 4, 2011, that it would suspend sales of Imprelis and conduct a product refund program.

As part of the settlement, DuPont must pay to Property Owner Class Members for the removal of damaged trees and their replacement based on tree height under a publicly available pricing schedule, as well as the care and maintenance of trees that presently do not require replacement. This totaled \$388,240,516 as of Aug. 7, 2013.

In addition, DuPont will pay for the removal of trees scheduled for replacement, and also will provide Property Owner Class Members with additional payments in the amount of 15 percent of the total value of any payments and services provided to compensate them for incidental damages.

Type of action: Environmental class action

Type of injuries: Damage and death to trees and nontarget vegetation stemming from weed herbicide

Name of case: *In Re: Imprelis Herbicide Marketing Sales Practices and Products Liability Litigation*

Court/Case no./Date: U.S. District Court, Eastern District of Pennsylvania (first filed in Oakland County Circuit Court as *Washtenaw Acquisition LLC, et al. v E.I. DuPont de Nemours and Co.* before Judge Rudy J. Nichols); 11-MD-02284; Oct. 17, 2013

Name of judge: Gene E.K. Pratter

Settlement amount: \$388,240,516

Attorneys for plaintiff: E. Powell Miller, Marc L. Newman, Martha J. Olijnyk, Gary K. August

Attorney(s) for defendant: Withheld



MICHIGAN LAWYERS WEEKLY **Special \$19 Intro Offer** LEARN  MORE

Detroit, MI 48243

(800) 678-5297 fax: (248) 865-3117

