

# Missouri Lawyers 2018

★ ★ ★ ★ ★ ★ AWARDS

## LAW FIRM LEADERS

### Don Downing

Gray, Ritter & Graham, St. Louis

“It’s an extraordinary opportunity to represent corn farmers all over the country in a case like this. It’s very fulfilling. You can’t have better clients.”

*Don Downing*



By **SCOTT LAUCK**  
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**D**on Downing and Patrick Stueve practice on opposite ends of the state but have a friendship that stretches back to their days at what is now Stinson Leonard Street. So when a complex case involving the economic claims of American corn farmers came to light, it was, as Downing put it, “a natural for us to think of each other and work together.”

“We joint-venture with very few firms, and Don and his firm are at the top of the list,” Stueve added. “You want to be with folks you know are going to be there when the going gets tough.”

That partnership paid off in June when a federal jury in Kansas City, Kansas, awarded \$217.7 million in a lawsuit over Switzerland-based Syngenta’s ge-

netically modified corn.

Stueve, of Stueve Siegel Hanson in Kansas City, and Downing, of Gray, Ritter & Graham in St. Louis, are among the lead counsel on the nationwide multidistrict litigation, which also features lead lawyers from firms in Texas and Alabama, as well as 26 other firms representing the plaintiffs. Class claims from eight states are included in the MDL.

The case centers on Syngenta’s Agrisure Viptera and Agrisure Duracade corn seed products, which won approval for use in the United States long before China — a major U.S. export market — agreed to accept them. The suit alleged that Syngenta’s sales of the GMO products led China to reject U.S. corn imports, causing corn prices to drop over a five-year period.

Syngenta, arguing that “American farmers shouldn’t

have to rely on a foreign government to decide what products they can use on their farms,” initially vowed to appeal the Kansas verdict. The appeal is on hold, however, while the parties try to negotiate a global settlement that could resolve not only the MDL but also other cases pending in other states. Downing and Stueve said the parties hope to reach that settlement before the next scheduled trial in May, which features the claims of farmers from Arkansas and Missouri.

Downing and Stueve are well versed in complex litigation. They previously teamed up for a class action lawsuit over the marketing of the anti-inflammatory drug Vioxx, which ended in a 2013 settlement valued at as much as \$220 million. Downing

also played a lead role in a suit over genetically-modified rice that culminated in a \$750 million settlement in 2011.

Both lawyers said the corn case had its risks but ultimately seemed worth it, in part because of the nature of the plaintiffs.

“It’s an extraordinary opportunity to represent corn farmers all over the country in a case like this,” Downing said. “It’s very fulfilling. You can’t have better clients.”

It’s also very time-consuming, as the class leaders try to bring the case to an end with the next trial looming. As the conference call interview for this profile is getting ready to end, Downing asks Stueve to give him a quick call back.

“We’re going to need to talk about corn,” he said.