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News Release

PCB litigation: Washington Supreme Court ruling in *Erickson*

- Company has appeals pending in eight prior verdicts, each of which have their own separate issues that were not before the *Erickson* Court
 - Company is considering options for further legal review of the decision
 - Company previously announced agreements in principle to resolve all SVEC cases, except *Erickson* and eight other verdicts which remain on appeal
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Leverkusen, October 30, 2025 – The Washington Supreme Court today issued a decision in *Erickson vs. Monsanto* which impacts several legal issues across cases involving allegations of exposure to polychlorinated biphenyls (PCBs) at the Sky Valley Education Center (SVEC).

The company disagrees with the Supreme Court's decision to reverse the Court of Appeals in *Erickson* and deny Monsanto's cross-petition regarding the availability of punitive damages. In particular, the company believes that the Court's choice-of-law analyses underlying its rulings on punitive damages and the statute of repose are wrong and contrary to the U.S. Constitution because the rulings unlawfully discriminate against out of state companies doing business in Washington. Three dissenting justices found in favor of the company on its entitlement to a statute of repose defense under Washington law, writing: '...courts are not supposed to start their analysis with policy preferences when there's a state statute right on point.' The company is considering its legal options.

Erickson was the first case involving allegations of PCB exposure at SVEC to go to trial in 2021. On appeal, the intermediate appellate court vacated the judgment and reversed the trial court on three cross-cutting issues in the litigation. Plaintiffs then filed an appeal with the state Supreme Court and Monsanto cross-petitioned on punitive damages, arguing that Washington's Product Liability Law under which this and subsequent cases were tried does not permit them.

The company has appeals or post-trial motions pending in eight other SVEC cases. These actions raise additional questions of law beyond those at issue in *Erickson* and will move forward through the appellate process. Each case is unique and has its own factual and legal record. Examples of the range of issues raised in these other cases include the application of Missouri's offset statute for punitive damages—which generally prohibits punishing a defendant more than once for the same conduct—along with due-process limits on punitive damages; the trial courts' exclusion of evidence of alternative causes and pre-existing conditions for the injuries at issue; and the courts' refusal to instruct the jury on superseding cause.

In August, the company announced it had reached agreements in principle to resolve all SVEC cases, except *Erickson* and eight other prior adverse verdicts which remain on appeal. The terms of the agreements in principle are confidential. The company is confident in its legal strategy and prepared to defend itself at trial but will consider resolving cases when it is strategically advantageous to do so.

Monsanto also has a case pending in Missouri to enforce its indemnity agreements with former purchasers of PCBs who manufactured electrical equipment in order to recover legal costs, settlements and judgments.

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