



Fipronil/Icon sprayed rice onto the rice/crawfish fields, caused a complete crawfish mortality, resulting in damages to plaintiffs' 1999 Spring crawfish crop, as well as their 1999 - 2000 crop.

4.

Representatives of both defendants, **G & H SEED COMPANY** and **RHONE - POULENC AG COMPANY, INC.**, advised and assured plaintiffs that it was safe to apply Fipronil/Icon pesticide on rice without any adverse effects to plaintiffs' crawfish crop, when they knew or should have known that these representations were false.

5.

Petitioners allege that defendants, G & H Seed Company and/or Rhone - Poulenc, had exclusive control, custody and care of the Fipronil/Icon described herein or as otherwise may be shown, and are therefore liable unto plaintiffs for all damages sustained under the doctrine of Res Ipsa Loquitur.

6.

The damages were caused by the negligence of defendant, **G & H SEED COMPANY**, and their representatives, and without any fault on the part of petitioners. Said negligence consisted primarily of, but not limited to, the following acts of omissions and/or commissions, to-wit:

- a) Failing to inform petitioners that Fipronil/Icon kills crawfish;
- b) Failing to properly market a product which they new or should have known would kill crawfish;
- c) Breaching of an express and implied warranty;
- d) Failure to warn plaintiffs of the adverse effects of Fipronil/Icon;
- e) Defendant fraudulently and materially misrepresented that Fipronil/Icon would not kill crawfish;
- g) Failure to take adequate safety precautions to insure that Fipronil/Icon would not adversely affect plaintiffs' crawfish crop;
- h) Failing to warn plaintiffs, and the community in general, of the dangers associated with the application of Fipronil/Icon sprayed rice onto crawfish fields;

- i) Intentionally, wantonly, knowingly, deliberately and callously disregarding the rights and safety of petitioners' crawfish fields when defendants knew or should have known that a dangerous condition likely to cause damages and losses was in existence;
- j) Failure to detect what was a very dangerous situation;
- k) Failed to provide a proper procedure so the ultimate consumer would be made aware of the effects of applying Fipronil/Icon onto crawfish fields;
- l) Other acts of negligence to be shown at trial on the merits;

7.

The damages were caused by the negligence of defendant, **RHONE - POULENC AG COMPANY, INC.**, and their representatives, and without any fault on the part of petitioners. Said negligence consisted primarily of, but not limited to, the following acts of omissions and/or commissions, to-wit:

- a) Failing to properly market a product which they new or should have known would kill crawfish;
- b) Breach of an express warranty;
- c) Defendant fraudulently and materially misrepresented that Fipronil/Icon would not kill crawfish;
- d) Defendant's conduct caused plaintiffs to rely on defendant's expertise to plaintiffs' detriment;
- e) Failure to take adequate safety precautions to insure that Fipronil/Icon would not adversely affect plaintiffs' crawfish crop;
- f) Intentionally, wantonly, knowingly, deliberately and callously disregarding the rights and safety of petitioners' crawfish fields when defendant knew or should have known that a dangerous condition likely to cause damages and losses was in existence;
- g) Failure to detect what was a very dangerous situation;
- h) Failed to provide a proper procedure so the ultimate consumer would be made aware of the effects of applying Fipronil/Icon onto crawfish fields;
- i) Other acts of negligence to be shown at trial on the merits;

8.

As a result of the damages sued upon herein, petitioners, **CRAIG WEST, TROY WEST, and W. B. FARMS, INC.**, have suffered severe monetary loss, mental anguish and loss of future income due to the crawfish kill. Plaintiffs therefore seek damages that are reasonable in the premises, which damages are more than sufficient to satisfy this Honorable Court's jurisdictional requisites.

WHEREFORE, petitioners, **CRAIG WEST, TROY WEST, and W. B. FARMS, INC.**, pray that defendants, **G & H SEED COMPANY and RHONE - POULENC AG COMPANY, INC.**, be served with a copy of this petition and duly cited to appear and answer same, and after all legal delays and due proceedings had, there be judgment herein in favor of petitioners, **CRAIG WEST, TROY WEST, and W. B. FARMS, INC.**, and against defendants, **G & H SEED COMPANY and RHONE - POULENC AG COMPANY, INC.**, for damages that are reasonable in the premises, together with interest thereon from date of judicial demand until paid, and for all costs of these proceedings;

PETITIONERS FURTHER PRAY for all general and equitable relief that can be afforded them under the laws of the State of Louisiana.

BY ATTORNEYS:

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**SERVICE INSTRUCTIONS:**

**G & H SEED COMPANY**, Through its Agent for Service, Raymond Hensgens, 15 Judge Canan, Crowley, Louisiana

**RHONE - POULENC AG COMPANY, INC.**, Through its Agent for Service, CT Corporation System, 8550 United Plaza Blvd., Baton Rouge, Louisiana