



And The Defense Wins

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In an opinion issued by the U.S. District Court for the District of Columbia on February 15, 2013, but made public on March 5, 2013, the court granted summary judgment to DynCorp International, dismissing the sole remaining human health and medical monitoring claims brought by Ecuadorian plaintiffs in connection with counternarcotics aerial herbicide spraying operations in southern Colombia. DynCorp, represented by DRI members [Joe Hollingsworth](#), [Eric Lasker](#), and [Rosemary Stewart](#) at [Hollingsworth LLP](#) in Washington, D.C., is a contractor to the U.S. Department of State and assists with the joint United States-Colombia war-on-drugs initiatives known as "Plan Colombia.

In the fall of 2001, two U.S. based corporations faced mass tort claims in U.S. courts for alleged widespread environmental damages and personal injuries in northern Ecuador. Chevron, which was alleged to have contaminated the land with historic oil exploration activities, successfully obtained dismissal of the claims in the United States on forum non conveniens grounds, forcing the plaintiffs to refile their claims in Ecuador. DynCorp, a government contractor for the U.S. State Department, which was accused of causing hundreds of millions of dollars in environmental damages and destroying crops, killing livestock, and injuring thousands of farmers in the same area of northern Ecuador as a result of herbicide spraying aimed at illegal coca cultivation in nearby Colombia, chose a different path, electing to fight the plaintiffs' claims in the United States.

As Chevron and its over 60 law firms (and 114 lawyers with its lead law firm alone) are now engaged in a worldwide legal war to avoid enforcement of a \$19.2 billion judgment issued against it by an Ecuadorian court, DynCorp and their counsel are celebrating a far different result—a summary judgment ruling dismissing plaintiffs' claims for lack of reliable scientific evidence to support any of the claims. The ruling follows earlier victories by DynCorp in 2009 and 2010, in which the court threw out a \$555 million claim by three Ecuadorian provinces and individual claims of 1,200 plaintiffs who failed to adequately respond to court-ordered questionnaires. The court's ruling is also a victory for the United States Department of State, which resisted the scientifically unfounded attack by U.S. private plaintiffs' counsel on a key element in U.S. foreign counternarcotics policy in South America and steadfastly maintained an aerial coca eradication campaign in Colombia that has both dramatically reduced cocaine production in that country and cocaine shipments into the United States and deprived international terrorist groups in Colombia of a vital source of funding.

The DynCorp ruling is a welcome and much needed rebuke to international activist efforts to demonize U.S. industry through unfounded legal actions arising from international operations.

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