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Rancher Wins Libel Judgment Over Deaths Of Pesticide-Sprayed Cattle

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A rancher who lost 500 cows after they were sprayed with a since-banned pesticide has won a \$7 million libel judgment stemming from a university report blaming all but one of the deaths on improper care.

The chancellor of the University of California at Davis said Friday that an appeal is planned of a jury's \$7 million award to George Neary of Chico.

After a four-month trial, an Alameda County jury decided Thursday in favor of Neary for a UC-Davis report quoting investigators as saying that the 1979 deaths of 500 of Neary's cattle resulted from inadequate feeding and care.

The report concluded that only one death was due to the state's spraying of toxaphene to fight a feared infestation of scabies mites.

Against Neary's wishes, the pesticide was sprayed by Department of Food and Agriculture veterinarians on a herd of cattle he had recently bought in Oregon and transported to his ranch 10 miles north of Chico.

In 1982, the federal Environmental Protection Agency banned most uses of toxaphene. The chemical has been linked to cancer in humans.

Neary contended the UC-Davis report libeled him by depicting him as an incompetent rancher and implying that his ranching practices led to his cattle's deaths.

Neary's lead attorney, John Kecker, said the three veterinarians named in the lawsuit lied in their report to protect the university's close ties with state veterinarians as well as the chemical and beef industries.

"It looked like science, but actually it was science fiction," he said. Davis Chancellor Theodore L. Hullar said officials there were "stunned to learn of the jury's verdict."

"The expert opinion requested of our veterinary professors was offered in good faith and after a rigorous and objective study," he said. "Their field investigations and laboratory analysis were thorough, their conclusion soundly reasoned and their conduct above reproach."

Hullar said the decision would be appealed and the university would not allow it to "deter our involvement in other potentially controversial areas requiring impartial and expert analysis."

Korshak, Kracoff, Kong & Sugano, L.L.P.

The veterinarians were Richard McCapes, assistant dean of the School of Veterinary Medicine, and faculty members Charles Hjerpe and Ben Norman. They have a libel suit pending against Neary and CBS News for comments he made in a "60 Minutes" program.

After the verdict, Neary said the UC system "has been covering up for these murders too long. Animals, rivers, women, Mexican farmworkers are all being poisoned. It's been going on too long and it's got to be stopped."

Neary sought \$12 million in the lawsuit, which was heard in Superior Court in Oakland because the UC system headquarters are located in nearby Berkeley.

Neary also has a suit pending in U.S. District Court in Fresno against state veterinarians who sprayed the toxaphene at his ranch.