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13 **DEWAYNE JOHNSON**

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

DEWAYNE JOHNSON,
Plaintiff,
v.
MONSANTO COMPANY
Defendants.

Case No. CGC-16-550128

**DECLARATION OF CURTIS G. HOKE IN
SUPPORT OF PLAINTIFF'S MOTION IN
LIMINE NO. 6 TO EXCLUDE PREVIOUS
ARRESTS, CRIMINAL RECORD, AND
OTHER "BAD ACTS"**

Trial Judge: TBD

Hearing Date: TBD

Time: TBD

Department: TBD

Trial Date: June 18, 2018

[Filed Concurrently with Memorandum of Points
and Authorities and [*Proposed*] Order]

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*Superior Court of California,
County of San Francisco*
05/24/2018
Clerk of the Court
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Deputy Clerk

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DECLARATION OF CURTIS G. HOKE

I, Curtis Hoke, declare and state:

1. I am an attorney at law admitted to practice before all of the courts in the state of California. I am an attorney at The Miller Firm, LLC, attorneys of record for Plaintiff Dewayne Johnson. I am over eighteen years of age and am fully competent to make this Declaration in support of Plaintiff's Motion in Limine No. 6 to Exclude Previous Arrests, Criminal Record, and Other "Bad Acts." (the "Motion"). Except as otherwise expressly stated below, I have personal knowledge of the facts stated in this declaration, and if called to testify, I could and would competently testify to the matters stated herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of excerpts of the deposition of Dewayne Johnson that occurred on December 7, 2017.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 24, 2018 in Orange, Virginia.

By: 

Curtis G. Hoke,
Declarant

EXHIBIT A

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

DEWAYNE JOHNSON,)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	CGC-16-550128
MONSANTO COMPANY,)	
)	
Defendant.)	
)	

VIDEOTAPED DEPOSITION OF
DEWAYNE ANTHONY LEE JOHNSON
Vallejo, California
Thursday, December 7, 2017
Volume I

Reported by: SUZANNE F. GUDELJ
CSR No. 5111
Job No. 2770165
PAGES 1 - 458

1 Workers' Comp case except the fact that he's trying
2 to give us a few facts to give over to my lawyer.

3 Q But you -- you can't recall specifically
4 what documents that you looked at?

5 A He was just writing down notes. He 10:47:01
6 basically told me what I need to do. And I'm going
7 to be here in deposition, and the main thing is to
8 the tell the truth and be honest.

9 MR. LITZENBURG: Again, don't -- don't get
10 into anything. This is totally privileged, any 10:47:11
11 discussion I've ever had with you. So don't tell
12 him the topic, the words used.

13 BY MR. COPLE:

14 Q Again, I'm not trying to find that out, so
15 I'm not -- this is not a trick. I'm just trying to 10:47:21
16 find out what you reviewed, and at least we agree on
17 this, the requirement to tell the truth is above all
18 else most important --

19 A Yeah.

20 Q -- so for whatever that's worth, Mr. 10:47:31
21 Johnson. I'm not your lawyer, though.

22 Have you been deposed previously other than
23 in the Workers' Compensation case?

24 A Never.

25 Q Did you ever testify at trial? 10:47:42

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1 A Yes.

2 Q What trial?

3 A It was an aggravated assault charge way
4 back in '93 or something like that.

5 Q Who was charged with aggravated assault? 10:47:53

6 A I was.

7 Q And was there an indictment issued; do you
8 know?

9 A I don't know.

10 Q Who were you charged by? 10:48:02

11 A Solano County.

12 Q So this was -- this was a local charge?

13 A Yes.

14 Q California charge?

15 A Yeah. 10:48:12

16 Q This was not federal prosecution?

17 A No.

18 Q And what was the outcome of the aggravated
19 assault charge?

20 A Misdemeanor aggravated assault charges, 10:48:20
21 probation, and that was it.

22 Q Did you have to testify in front of a jury?

23 A No.

24 Q Okay. Just the judge?

25 A Waive the jury, just the judge. 10:48:29

1 Q Okay. And did you complete the terms of --

2 A Everything done.

3 Q You've done --

4 A No problems on my record at all.

5 Q And who did you assault, or who were you 10:48:38
6 accused of assaulting?

7 A I refuse to answer that. That's not
8 important.

9 Q What's that?

10 A It's not important. I refuse to answer 10:48:44
11 that.

12 Q You refuse to answer who you were accused
13 of assaulting?

14 A Whoever I was in a situation with or
15 combatant with, it doesn't matter. 10:48:53

16 Q This is a public record unless it's been
17 sealed. Do you --

18 A I don't mind you looking, but I'm not going
19 to just say who or what, what happened at that time.

20 Q All right. Let me ask you a different -- a 10:49:01
21 different way.

22 MR. COPLE: We reserve our right to come
23 back and ask Mr. Johnson questions about his
24 aggravated assault charge.

25 BY MR. COPLE:

1 Q Have you ever been charged with any other
2 crime?

3 A No.

4 Q Ever been charged with improperly driving a
5 motor vehicle like under the influence? 10:49:20

6 A DUI or anything like that? No. I did have
7 a misdemeanor charge, having a brass knuckle, one
8 brass knuckle in the car sitting out openly. And
9 the guy took it, the cop, he took it, and he said,
10 "You know this is a felony, right?" I said, "No, I 10:49:34
11 didn't know it was a felony." He says, "Well, it
12 is," and he took me to jail.

13 Took me to jail and released me on the
14 misdemeanor charge. I fought that for little while
15 but didn't have the money to fight it. That's what 10:49:45
16 they put down on my record. My record was totally
17 different, too. So it is what it is.

18 Q What was the outcome of that? Did you
19 plead guilty?

20 A Did I plead guilty? No. 10:49:55

21 Q No, you fought it.

22 A Yeah.

23 Q Did you win?

24 A Yeah. No, I was charged. Misdemeanor --
25 actually, misdemeanor weapons, I guess, charge, but 10:50:01

1 on the record, it says -- the PC code is
2 manufacturing weapons with the intent to sell, like
3 a bomb maker, terrorist. That's what's on my record
4 right now in Solano County.

5 Q Was a sentence imposed on you? 10:50:19

6 A No.

7 Q Did the judge impose anything on you?

8 A Nothing.

9 Q Well, what happened to the charge? It just
10 went away? 10:50:28

11 A It just went away.

12 Q All right. You had a lawyer to fight it;
13 is that right?

14 A Public defender.

15 Q All right. Have you -- have you had any 10:50:35
16 complaints made against you of a domestic nature?

17 A Yeah.

18 Q Abuse complaints, for example?

19 A Yes.

20 Q By who? 10:50:47

21 A Aurora Morris.

22 Q And who was that?

23 A The mother of my first child.

24 Q Okay. And did that lead to any charges?

25 A It did. 10:50:56

1 Q What was the outcome?

2 A Nothing. I went to jail one night. Got
3 released. Put on a formal -- not even formal,
4 informal probation for 90 days. It's you either do
5 the probation and the class, or you go and do the 10:51:12
6 time in prison.

7 Q Are you married?

8 A I am married.

9 Q All right. And not to the woman who
10 brought that charge? 10:51:21

11 A Not at all.

12 Q All right. And you have children?

13 A Yes, I do.

14 Q All right. And you have full custody of
15 them? 10:51:30

16 A Me and my wife have full custody of my
17 kids. We live like a family.

18 Q I'm not asking anything about your
19 children. I just want to know if you have full
20 custody of them. That's it. 10:51:38

21 A Yes.

22 Q All right. Do you have any children that
23 you don't have custody of?

24 A No.

25 Q All right. Have you ever brought a lawsuit 10:51:41

1 If they're giving you -- if you have too
2 much alcohol in your system, they aren't giving you
3 a kidney or a lung, you know, if you need a kidney.
4 You know what I mean? They'll give it to the
5 healthier person. That's another reason why I cut 03:25:23
6 back and ready to quit.

7 Q All right. So you do remember the --

8 A There was a point to quitting.

9 Q You do remember the occasion with
10 Dr. Ofodile when your liver tests were off because 03:25:31
11 of some drinks?

12 A Yeah, but I haven't had an off one since.

13 Q Okay. Have you ever had your blood alcohol
14 level tested, either by law enforcement or
15 medically? 03:25:53

16 A The night of the rollover crash, yeah, I
17 had my blood -- I had my blood taken by the doctor
18 -- I mean by the -- by the doctor and by the
19 sheriffs gave me the (indicating). They gave me a
20 -- tested out your blood, you know. 03:26:06

21 They thought the only reason I flipped that
22 car was because I was drinking. There was a lot of
23 drinking going on in that car.

24 Q Do you recall what your level was?

25 A Naw. No, not at all. 03:26:18

1 Q Did you receive any citation relating to
2 the blood alcohol level?

3 A No way. I wasn't over the limit. Hadn't
4 been drinking. (Unintelligible.)
5 (Reporter clarification.)
6 You know how you might have a drink the
7 night before at dinner or something else and that
8 whole experience, whipping and twisting and turning,
9 I think I might have (indicating), you know, a
10 little something. He might have smelled that. But 03:26:41
11 this guy comes up and sees some old beer bottles on
12 the side of the car with worms in there.

13 "This is your beer bottles?"
14 "No, that's not mine, sir. There's worms
15 in there." 03:26:52
16 You know, so it's just weird.

17 Q All right. Now, you have been dealing --
18 you have been dealing with mycosis fungoides for a
19 couple of years now, correct?

20 A It's been more than a couple. 03:27:15
21 Q All right. How many years?
22 A About four years coming up.
23 Q All right. Four years.
24 And you're measuring the four years back to
25 the point even before you were actually diagnosed 03:27:26