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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. 9 TO EXCLUDE EVIDENCE
OF EXPERT'S FINANCES AND
PERSONAL ASSETS THAT ARE
UNRELATED TO LITIGATION
INVOLVING GLYPHOSATE-
CONTAINING HERBICIDES AND NON-
HODGKIN'S LYMPHOMA**

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]

ELECTRONICALLY
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*Superior Court of California,
County of San Francisco*

05/24/2018

Clerk of the Court

BY: SANDRA SCHIRO

Deputy Clerk

EXHIBIT A

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO
CASE NO.: CGC-16-550128

DEWAYNE JOHNSON,

Plaintiff,

vs.

MONSANTO COMPANY,

Defendant.

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* * * * CONFIDENTIAL * * * * *

VIDEOTAPED DEPOSITION OF WILLIAM SAWYER, PH.D.

Monday, February 26, 2018

8:12 a.m. - 5:04 p.m.

Sanibel, Florida

Stenographically Reported By:
Tracie Thompson, RMR, CRR, CLR
Registered Merit Reporter
Certified Realtime Reporter
Certified LiveNote Reporter

Pages 1-264

1 you recognize this document?

2 A Yes.

3 Q What is this document?

4 A This is a listing on JurisPro Expert
5 Witness Directory.

6 Q All right. If you'd turn to page 4 of 5,
7 do you see there the second question and answer? The
8 question is, "In what percentage of your cases were
9 you retained by the plaintiff," and the answer is "65
10 percent." Do you see that?

11 A Yes, and I stated over the last three
12 years, approximately 55 or 60 percent.

13 Q This document is accurate, as to the period
14 beyond the past three years, correct?

15 A No. This document was prepared several
16 years ago. It reflects the prior three years.

17 Q All right. So this document reflects the
18 three years prior to the time it was produced. You
19 were testifying 65 percent for the plaintiff,
20 correct?

21 A That's correct.

22 Q And you testified in hundreds of trials,
23 haven't you?

24 A No.

25 Q About how many trials have you testified

1 in?

2 A Approximately seven per year times 31
3 years, so -- actually, it would be more.
4 Approximately -- somewhere between 100 and 200.

5 Q And in what percentage of the trials you've
6 been involved with have you testified on behalf of
7 plaintiffs?

8 A I don't recall.

9 Q More than 50 percent?

10 A Approximately 50 percent. Could be 60
11 percent. I can't really give any more accurate
12 answer than that, since I have not tabulated that
13 information.

14 Q Your primary source of income is offering
15 forensic toxicology opinions in litigation?

16 A That's correct. That's what I was trained
17 to do at Indiana University School of Medicine. I'm
18 a forensic toxicologist, that is my livelihood.

19 Q And you've actually had multiple websites
20 over the years advertising your services as a
21 forensic toxicologist, correct?

22 A Two, that I recall.

23 Q What are the two you recall?

24 A Prior website, I think was -- I don't
25 remember the website acronym. The current website is

1 experttoxicologist.com.

2 Q All right. And was one of those websites
3 where you'd advertised www.experttox.com?

4 A I think that was the prior website, yes.

5 Q Was another one www.toxexpert.com?

6 A Possibly, but I think that they may have
7 been the same. I think that the e-mail was changed
8 because of too much spam. I don't know that those
9 websites were actually significantly different.

10 Q And another one was www.tcastox.com, right?

11 A That was an e-mail only. I don't believe
12 there was a website under that name.

13 Q And you've advertised as well on various
14 websites that cater to attorneys, right?

15 A Yes.

16 Q Sites like www.almexperts.com?

17 A Yes.

18 Q And www.jurispro.com.

19 A Yes, that would be Exhibit 1.

20 Q And www.experts.com, correct?

21 A Yes. Historically, I'm not sure whether
22 Jen has that activated currently. I'd have to follow
23 up on that.

24 Q Did you say Jen?

25 A Jen from my office, yes.

1 Q In fact, you had asked your brother to
2 develop sort of a search engine optimization
3 methodology so if someone put into Google "expert
4 toxicology," they would find you first, right?

5 A Yes, but it's actually more involved than
6 that. It's far more complex than just searching
7 for --

8 MR. DHINDSA: Can we go off the record?

9 VIDEOGRAPHER: The time is now 8:21. We're
10 going off the record.

11 (A short break was taken at 8:22 a.m.)

12 VIDEOGRAPHER: The time is now 8:22 a.m.
13 We're back on the record.

14 BY MR. DHINDSA:

15 Q Dr. Sawyer, the search engine optimization
16 your brother developed, was that helpful in building
17 your practice?

18 A Yes.

19 Q What's your hourly consulting rate for
20 forensic toxicology?

21 A 460 per hour.

22 Q How much money did you make last year doing
23 legal consulting or offering expert opinions in
24 litigation?

25 MR. TRAVERS: We would object. This is

1 outside the scope of his expert testimony in
2 this case.

3 BY MR. DHINDSA:

4 Q Go ahead, sir.

5 A I could give you my reported income from
6 the line item on my tax return, which was
7 approximately 305,000.

8 Q That was your adjusted gross income?

9 A Yes. For the tax year -- well, that would
10 be 2016 -- well, no, no, no. Wait. That could be --
11 it was 2016, I believe. 2017 hasn't been established
12 yet.

13 Q How much money did you make the year before
14 that?

15 MR. TRAVERS: Same objection.

16 THE WITNESS: I don't recall.

17 BY MR. DHINDSA:

18 Q What's the most you've ever been paid in a
19 year for doing legal consulting or offering expert
20 opinions in litigation?

21 MR. TRAVERS: Same objection.

22 THE WITNESS: I don't know. I could try to
23 recall some of my gross income numbers on my tax
24 return, but beyond that, I don't know.

25 BY MR. DHINDSA:

1 Q Well, what are some of those numbers that
2 you can recall?

3 MR. TRAVERS: Same objection.

4 THE WITNESS: It goes up and down. There
5 was a few years where it was much higher.

6 BY MR. DHINDSA:

7 Q Is there a range you can recall?

8 MR. TRAVERS: Same objection.

9 THE WITNESS: Not with any accuracy.

10 BY MR. DHINDSA:

11 Q Do you typically make more than \$100,000 a
12 year doing legal consulting or offering expert
13 opinions in litigation?

14 A Yes.

15 MR. TRAVERS: Objection. Compound.

16 BY MR. DHINDSA:

17 Q Do you typically earn more than \$200,000
18 doing legal consulting work per year?

19 A Yes.

20 Q Do you typically earn more than \$300,000
21 per year doing legal consulting work?

22 A That, I can't answer accurately. I'd have
23 to research that.

24 Q Has there ever been a year where you've
25 earned more than \$500,000 doing legal consulting

1 work?

2 A Possibly.

3 Q Has there ever been a year where you've
4 earned more than one million dollars doing legal
5 consulting work?

6 A No.

7 MR. TRAVERS: Object to the term "earn" as
8 vague.

9 BY MR. DHINDSA:

10 Q And what is your daily rate for deposition
11 testimony?

12 A \$4,600 per day.

13 Q And that is per day, not per deposition,
14 correct?

15 A Correct, per day for a full day. And for
16 local, I have a half day rate, which is \$2,300.

17 Q So since this is a two-day deposition, you
18 will be charging \$9,200; is that correct?

19 A Yes.

20 Q What about your daily rate for trial
21 testimony?

22 A That's what I just answered, I thought.

23 Q It's the same for deposition and trial?

24 A Yes.

25 Q And do you typically fly first class when

1 you travel somewhere for deposition or trial?

2 A No. I actually don't, but I very often get
3 upgrades because I fly so frequently.

4 Q Now, you're not deposed in all of the cases
5 you work on, right?

6 A No. Much more prevalence of being deposed
7 on plaintiff cases versus defense cases. That's why
8 there's sort of a false assumption of the 60 percent
9 that we talked about earlier, because that's based on
10 my three-year documentation of depositions and
11 trials. Actually, I work on many more defense cases
12 that are not on that list because I'm simply not
13 deposed.

14 Q And in a number of cases you are working on
15 you're not even disclosed, right, as an expert,
16 you're working confidentially?

17 A No, disclosed, report submitted in state or
18 federal court, but simply the plaintiff does not
19 choose to take my deposition; wherein cases where I
20 am retained by plaintiff, it's almost 100 percent
21 guarantee I will be deposed.

22 Q How many cases are you usually working on
23 at any one time, including those which don't go to
24 trial?

25 A That's a good question. At least 10, maybe

1 15.

2 Q How many cases are you working on right
3 now?

4 A At least that. Because cases don't --
5 cases have an average life of about, I'd say, two
6 years or more through the process before they're
7 adjudicated.

8 Q So in a given year, you might be working on
9 a few dozen cases?

10 A Possible, but it would be guesswork for me
11 to say yes to that.

12 Q And in about what percentage of those cases
13 are you disclosed as an expert witness?

14 A I've never really tracked that, but I know
15 the majority.

16 Q You do do some confidential work where
17 you're not disclosed, correct?

18 A Yeah.

19 Q Some?

20 A Some, but not that much.

21 Q Your wife works with you at TCAS?

22 A She's a bookkeeper. Her work is strictly
23 related to accounting and that type of thing.

24 Q So you're the primary breadwinner for the
25 family?

1 A Yes.

2 Q The majority of your money comes from
3 litigation consulting, correct?

4 A Yes.

5 Q Do you live primarily in Florida?

6 A Yes.

7 Q Where we are right now in the Sanibel area,
8 correct?

9 A Yes.

10 Q In fact, you've been deposed at this very
11 location, this hotel before, haven't you?

12 A Many times.

13 Q And so the address 6450 Pine Avenue is
14 actually your home address, right, not just a
15 business address?

16 A Home address that -- I purchased the house
17 with a very nice office, and I have an office in New
18 York state, which houses most of my files.

19 Q You live on a canal, right?

20 A Yes, it connects to Wulford Channel and the
21 bay and the ocean.

22 Q About a block or so from the beach.

23 MR. TRAVERS: Objection. This has gone way
24 beyond the scope of an expert deposition. You
25 guys asked for 14 hours, and you're going to

1 start spending time asking him about where he
2 lives?

3 BY MR. DHINDSA:

4 Q Go ahead, sir.

5 A What was the question?

6 Q Do you live about a block from the beach?

7 A There are no blocks on our little street.

8 Q Do you own a boat?

9 MR. TRAVERS: This is harassing the
10 witness.

11 THE WITNESS: Do you want to go fishing
12 with me? I can take you out catching some
13 Grouper today instead of doing this deposition.

14 MR. TRAVERS: Really, you guys asked for 14
15 hours and you are going to ask him if he has a
16 boat? If you want to waste your time, go ahead.

17 BY MR. DHINDSA:

18 Q Go ahead, sir. Do you own a boat?

19 A I've always owned a boat since I was about
20 13 years old, yes. I started off with a little wood
21 Lyman that was rotted out.

22 Q Have you done any legal consulting pro
23 bono?

24 A Every year I get at least one case that I
25 do at no charge.