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17 MONSANTO COMPANY

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **COUNTY OF SAN FRANCISCO**

21 DEWAYNE JOHNSON,
22 Plaintiff,

23 vs.

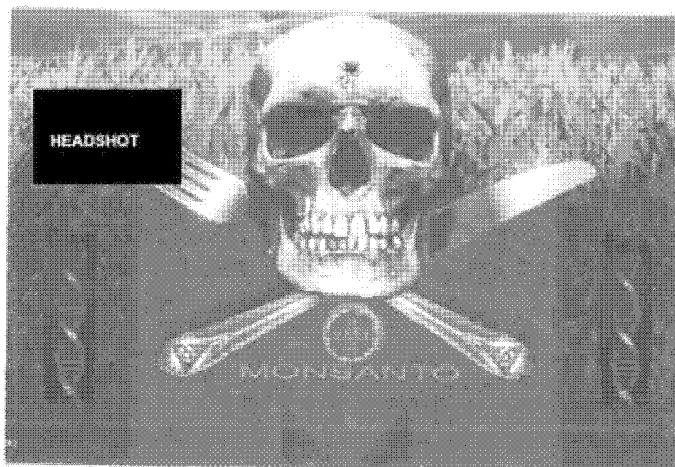
24 MONSANTO COMPANY,
25 Defendant.

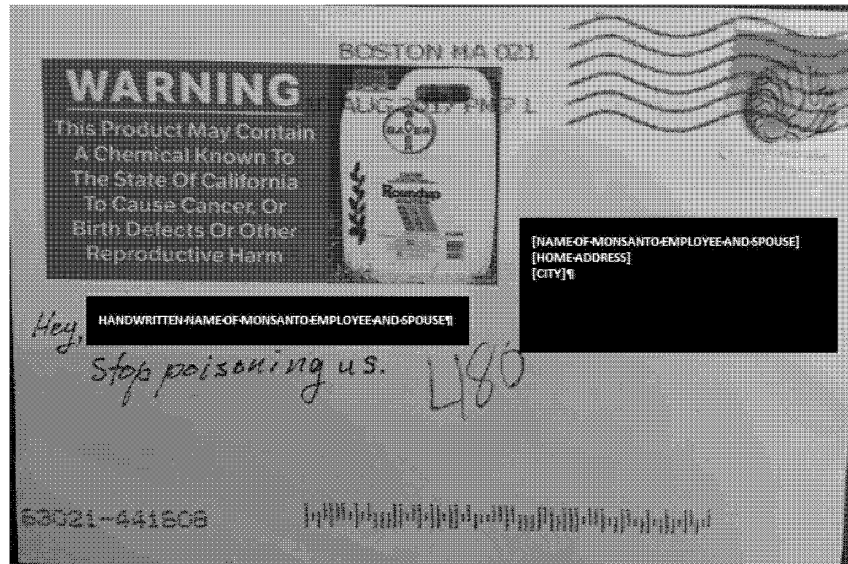
Case No. CGC-16-550128

**DEFENDANT MONSANTO COMPANY'S
OPPOSITION TO MEDIA REQUEST TO
RECORD AND WEBCAST THE TRIAL**

Trial Date: June 18, 2018
Time: 9:30 a.m.
Department: TBD

1 Defendant Monsanto Company (“Monsanto”) respectfully requests that this Court deny
2 Courtroom View Network’s (“CVN”) media request to record and electronically webcast this trial,
3 under California Rules of the Court (“Rule”) 1.150. While Monsanto recognizes the public’s
4 interest in promoting access to and confidence in the judicial system, many of the Rule 1.150
5 factors weigh heavily against CVN’s request. Publicity in this case, and the glyphosate litigation
6 generally, has already led to multiple threats and disturbing communications directed to Monsanto
7 employees and lawyers. Televising this trial would make that worse. The hostile reactions of
8 certain activist groups to prior disclosures of information in the glyphosate litigation demonstrate
9 that the webcast of the Dewayne Johnson trial could create a significant safety risk for Monsanto
10 witnesses and counsel. For example, one former Monsanto employee had to change his cell phone
11 number due to multiple harassing calls related to media coverage of earlier litigation disclosures.
12 Excerpts of those calls include one caller saying “if you’re as low down as the story says you are
13 man, I hope you enjoy Bubba in prison,” Voicemail 1, another caller saying, “I want to see you go
14 to jail,” Voicemail 2, and a third caller saying, “I’m just calling to let you know what a piece of
15 shit I think you are, I’m sure a lot of other people feel the same way, and I’m sure you are getting
16 a lot of phone calls,” and “just add me onto that list you cocksucker,” Voicemail 3. In addition,
17 numerous Monsanto employees and counsel whose identities were disclosed in the litigation have
18 received threatening postcards at their home address. Different types of postcards are being sent,
19 with, for example, skulls and crossbones, handwritten notes, and photographs of the recipient’s
20 face on the front:





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CVN’s public webcast of the Dewayne Johnson trial would only further inflame the passions of these activists.

These prior threats demonstrate the appreciable likelihood that individuals would use CVN’s coverage for ulterior purposes entirely unrelated to education and promotion of public trust in the judicial system. It is not possible for CVN, or the Court, to ensure protection of the webcast once uploaded on the Internet, and the public broadcast of the faces of witnesses, lawyers, and Monsanto employees in the context of hotly contested allegations at trial – with the possibility of selective excerpting and distortions of trial testimony and argument – would appreciably heighten the safety risks to those individuals in a way that other media coverage of the trial will not.

Rule 1.150, which sets forth factors a court must consider in ruling on a request for media coverage is considered an “exception to the general rule” that “court proceedings may not be photographed, recorded, or broadcast.” *People v. Dixon*, 148 Cal. App. 4th 414, 435 (2007). And, that general rule “implies a presumption *against* opening the courtroom to unlimited media coverage.” *Id.* at 437 (2007) (emphasis added) (finding trial court erred in not considering Rule 1.150). While the Rule allows more open access to media coverage in some circumstances, Courts are still to remain “cautious” about it. *Id.* at 435, citing *KFMB-TV Channel 8 v. Municipal Court*, 221 Cal.App.3d 1362, 1367 (1990) (discussing amendments to rule 1.150).

As the Court in *Dixon* noted:

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While many of the potential risks associated with having cameras in the courtroom have been minimized with improvements in technology and the application of other conditions, such as limiting the media to the use of one camera (see rule 1.150(e)(7)(A)), there remain some serious concerns in balancing the defendant's interest in a fair trial and the public's interest in observing the judicial process.


Id. at 437.

CVN's media request to record and electronically webcast this trial should be denied.

Dated: June 18, 2018

Respectfully submitted,

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By: 

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MONSANTO COMPANY