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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  
STATEMENT REGARDING TRIAL  
TIME LIMITS**

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

ELECTRONICALLY  
**FILED**  
*Superior Court of California,  
County of San Francisco*  
**06/13/2018**  
Clerk of the Court  
BY: VANESSA WU  
Deputy Clerk

1                                    **MONSANTO’S STATEMENT REGARDING TRIAL TIME LIMITS**

2                    Pursuant to Local Rule 6.8B, and because the parties have not been able to come to an  
3 agreement as to the total number of hours required to try this case, Defendant Monsanto Company  
4 (“Monsanto”) hereby submits its Statement Regarding Trial Time Limits.

5                    Monsanto estimates this trial will take no longer than three weeks<sup>1</sup>, and believes Plaintiff’s  
6 time estimates are grossly overstated. Plaintiff has identified witnesses who will offer cumulative  
7 testimony on identical topics, as well as witnesses who are unlikely to testify at trial – issues  
8 Monsanto will raise with the Court when appropriate. Plaintiff’s estimate of 4-5 days for *voir dire*  
9 is similarly unreasonable; any concerns raised by Plaintiff can be addressed largely through this  
10 Court’s use of a juror questionnaire. *See People v. Avila*, 38 Cal. 4th 491, 536 (2006) (“The trial  
11 court, moreover, has a duty to restrict *voir dire* within reasonable bounds to expedite the trial.”).  
12 Overall, Plaintiff’s lengthy estimates are contrary to the expectation that this Court will “set  
13 reasonable time limits” and “ensure that once trial has begun, momentum is maintained.” Cal  
14 Rules of Ct., Standards of J. Admin. 2.20(b)(2),(4).

15                                    **WITNESS LIST**

16                    Defendant Monsanto Company anticipates calling the following witnesses:

<b>Witness</b>	<b>Area of Testimony</b>	<b>Expected length of testimony</b>
<b>Dr. Kassim Al-Khatib (Expert)</b>	Al-Khatib will testify about the need for and use of herbicides, the use of glyphosate, its properties, its contributions to society, and how glyphosate compares to other herbicides. He will testify about the requirements for the safe application of herbicides and Mr. Johnson’s application of glyphosate.	<b>1.5 hours</b>
<b>Dr. Chris Corcoran (Expert)</b>	Dr. Corcoran will testify that upon applying the correct statistical methods to analyze the rodent studies data sets, there is no evidence	<b>1.5 hours</b>

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27 <sup>1</sup> Monsanto reserves the right to call or introduce at trial the prior testimony of those witnesses  
28 identified by Plaintiff on his Statement Regarding Trial Time Limits and witness list in the event Plaintiff does not call them as witnesses.

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<b>Witness</b>	<b>Area of Testimony</b>	<b>Expected length of testimony</b>
	<p>whatsoever of a glyphosate induced effect on the risk of any of the tumors observed in the studies. He will also testify that Plaintiff's expert, Dr. Christopher Portier, used deeply flawed statistical approaches leading him to overstate his findings and seriously misrepresent the data in aggregate in order to reach his conclusion of a relationship between glyphosate and tumor incidence in the rodent studies.</p>	
<b>Dr. Warren Foster (Expert)</b>	<p>Dr. Foster will testify regarding the results of the animal studies conducted regarding glyphosate. He will testify that the tumors identified in the animal studies are most likely spontaneously occurring and unrelated to glyphosate exposure. He will also testify that there is no scientifically reliable basis for the conclusion that glyphosate is a rodent carcinogen.</p>	<b>2 hours</b>
<b>Dr. John Fowle, III (Expert)</b>	<p>Dr. Fowle will provide opinions on EPA's review of glyphosate as the active ingredient in glyphosate-based formulations, including Roundup®, and its finding that glyphosate is non-carcinogenic to humans. Specifically, he will testify that EPA followed all proper procedures and processes in its review of glyphosate, and the record on its registration and safety decisions for glyphosate show that it has consistently found no basis to conclude that glyphosate is carcinogenic to humans.</p>	<b>2 hours</b>
<b>Dr. Jay Goodman (Expert)</b>	<p>Dr. Goodman will testify concerning his review of the scientific literature dealing with the potential genotoxicity of glyphosate-based formulations, from which he concluded that glyphosate and glyphosate-based formulations should be regarded as non-genotoxic. He will further testify that the literature does not support the conclusion that glyphosate and glyphosate-based formulations are capable of causing cancer.</p>	<b>2 hours</b>

Witness	Area of Testimony	Expected length of testimony
<b>Dr. Youn Hee Kim</b>	Dr. Kim is expected to testify concerning details of Plaintiff's current medical condition, his future prognosis, and his treatment at SUMCLC. She is also expected to testify that there is no known cause of mycosis fungoides.	<b>½ hour</b>
<b>Dr. Timothy Kuzel (Expert)</b>	Dr. Kuzel will testify regarding Plaintiff's diagnosis of mycosis fungoides, his treatment to date, his inconsistent compliance and refusal of some treatments, and his future prognosis. Dr. Kuzel will also testify that the cause or causes of mycosis fungoides are unknown. He will also testify that with regard to non-Hodgkin's lymphoma, the best and largest causation study done is negative with regard to any association with glyphosate. Dr. Kuzel will also testify that there is no scientifically reliable evidence that glyphosate-containing herbicides were the cause of Plaintiff's cancer.	<b>1 ½ hours</b>
<b>Dr. Jennifer Rider (Expert)</b>	Dr. Rider will testify about her review and evaluation of the epidemiological literature on the association between exposure to glyphosate-based herbicides and the risk of non-Hodgkin's lymphoma. She will also testify that the epidemiological literature does not provide a scientific basis to support a causal relationship between exposure to glyphosate-based herbicides and the risk of non-Hodgkin's lymphoma.	<b>2 hours</b>
<b>Dr. Lorelei Mucci (Expert)</b>	Dr. Mucci will testify about her review and evaluation of the epidemiological literature on the association between exposure to glyphosate-based herbicides and the risk of non-Hodgkin's lymphoma. She will also testify that the epidemiological literature does not provide a scientific basis to support a causal relationship between exposure to glyphosate-based herbicides and the risk of non-Hodgkin's lymphoma.	<b>2 hours</b>

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<b>Witness</b>	<b>Area of Testimony</b>	<b>Expected length of testimony</b>
<b>Roy Owens</b>	Mr. Owens is expected to testify regarding the training and education received by BUSD employees related to pesticide application and the relevant policies and procedures for pesticide application. He is also expected to testify concerning the use of RoundUp®, RangerPro® and other glyphosate based herbicides as part of his employment during the relevant time period. He is also expected to offer testimony regarding his knowledge of Plaintiff's alleged exposure.	<b>½ hour</b>
<b>Dr. Thomas Rosol (Expert)</b>	Dr. Rosol will testify that there are 12 rodent carcinogenicity studies available with respect to glyphosate, which represents an exceptionally large data set for a chemical. He will further testify that his review of that robust data set shows no carcinogenic effect from glyphosate on humans.	<b>2 hours</b>
<b>Dr. Michael Sullivan (Expert)</b>	Dr. will testify regarding the quantitative estimate of occupational exposure of Plaintiff to glyphosate during his time as an employee of the Benicia United School District. He will testify that Plaintiff's exposure was within the range of recorded exposures for any normal pesticide applicator.	<b>2 hours</b>
<b>Dr. Dennis Weisenburger (Expert)</b>	Dr. Weisenburger is expected to offer testimony related to his review of selected epidemiological studies, animal studies, and other relevant literature.	<b>1 hour</b>
<i>Monsanto Total Expected Direct Examination Hours</i>		<b>21.5</b>
<i>Monsanto Expected Voir Dire Hours</i>		<b>2.5</b>
<i>Monsanto Expected Opening Statement Hours</i>		<b>1.25</b>


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<b>Witness</b>	<b>Area of Testimony</b>	<b>Expected length of testimony</b>
<i>Monsanto Expected Closing Argument Hours</i>		<b>1.5</b>
<i>Monsanto Expected Cross Examination Hours</i>		<b>20</b>
<i>Monsanto Total Expected Hours</i>		<b>46.75</b>

Dated: June 13, 2018

Respectfully submitted,

FARELLA BRAUN + MARTEL LLP

By: 

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Sandra A. Edwards

Attorneys for Defendant  
MONSANTO COMPANY