

1 Michael J. Miller (appearance *pro hac vice*)
2 Timothy Litzenburg (appearance *pro hac vice*)
3 Curtis G. Hoke (SBN 282465)
4 **The Miller Firm, LLC**
5 108 Railroad Ave.
6 Orange, VA 22960
7 (540) 672-4224 phone; (540) 672-3055 fax
8 mmiller@millerfirmllc.com
9 tlitzenburg@millerfirmllc.com
10 choke@millerfirmllc.com

11 *Attorneys for Plaintiff*
12 **DEWAYNE JOHNSON**

ELECTRONICALLY
FILED
*Superior Court of California,
County of San Francisco*
06/12/2018
Clerk of the Court
BY: VANESSA WU
Deputy Clerk

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 REPLY IN
SUPPORT OF HIS MOTION *IN LIMINE*
NO. 5**

Trial Judge: TBD

Trial Date: June 18, 2018

Time: 9:30 a.m.

Department: TBD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 Reply in Support of His Motion *in limine* No. 5. 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 relevant portions of the deposition of 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 June 12, 2018 in Orange, Virginia.

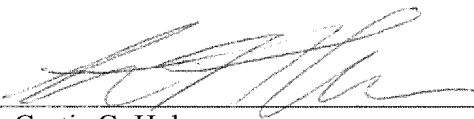
By: 
Curtis G. Hoke,
Declarant

Exhibit A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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, Volume I, taken on behalf of Defendant Monsanto, at Courtyard by Marriott, 1000 Fairgrounds Drive, Vallejo, California, beginning at 9:24 a.m. and ending at 6:48 p.m., on Thursday, December 7, 2017, before SUZANNE F. GUDELJ, Certified Shorthand Reporter No. 5111.

1 APPEARANCES:

2

3 For Plaintiff:

4 THE MILLER FIRM, LLC

5 BY: TIMOTHY LITZENBURG, ESQ.

6 108 Railroad Avenue

7 Orange, Virginia 22960

(540) 572-4224

8 tlitzenburg@millerfirmllc.com

9

10 For Defendant:

11 HOLLINGSWORTH LLP

12 BY: WILLIAM J. COPLE III, ESQ.

13 BY: STEPHANIE SALEK, ESQ.

14 1350 I Street, N.W.

15 Washington, DC 20005

16 (202) 898-5800

17 wcople@hollingsworthllp.com

18 ssalek@hollingsworthllp.com

19

20 FARELLA BRAUN & MARTEL LLP

21 BY: SANDRA A. EDWARDS, ESQ.

22 235 Montgomery Street, 17th Floor

23 San Francisco, California 94104

24 (415) 954-4400

25 sedwards@fbm.com

1 APPEARANCES (Continued):

2

3 Also Present:

4 KEVIN FOUR: Veritext Video Operator

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 me. Just put it out from there.

2 Q How did you decide which lawyer to reach
3 out to?

4 A I really don't know. I talked to them on
5 the phone. If they sound doubtful or we don't know, 12:07:27
6 you know, people have those cases all the time and,
7 you know, they never -- I just hung -- I didn't hang
8 up, but I was like okay, thank you. And I went to
9 the ones that said yeah, I know about this. We can
10 help you a lot over here. You know, that's the one 12:07:41
11 I went with.

12 Q Did you -- did you see anything on
13 television or the Internet?

14 A You know, I didn't see anything -- anything
15 on television until about month ago. I was sitting 12:07:50
16 inside Solano dying and just in super pain, and it
17 comes on the TV, because I don't watch cable TV at
18 home. We have Internet TV. So I see different --
19 you have to see the commercial three times during
20 the show, you know what I mean? So we don't watch 12:08:05
21 cable TV.

22 So I was sitting there watching cable TV at
23 Sutter, and the commercial comes on and says if
24 you've been exposed to Ranger PRO or Roundup, you
25 should call this number right here, get compensation 12:08:17

1 for people that's been exposed.

2 So I'm saying to myself, like oh, this is
3 serious now. They're actually really starting to
4 get this going, you know, so it was pretty tough.

5 Q Did you call? 12:08:32

6 A No.

7 Q Did you already have a lawyer?

8 A Yes, sir. Two lawyers.

9 Q Who at -- who at the Benicia Unified
10 School -- 12:08:44

11 A Huh?

12 MR. COPLE: Am I the only one hearing
13 music?

14 MS. SALEK: No.

15 THE WITNESS: We better be hearing that 12:08:53
16 music.

17 BY MR. COPLE:

18 Q All right. Who at the Benicia Unified
19 School District said to you, Mr. Johnson, that you
20 should get a lawyer? 12:09:03

21 A My coworkers. Edwin definitely was the
22 first one. He was like --

23 (Reporter clarification.)

24 Edwin Martinez. He said, "You look like
25 Eddie Murphy. You need to get a lawyer." So some 12:09:13

Page 175