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Attorneys for Plaintiff
DEWAYNE JOHNSON

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 OPPOSITION TO DEFENDANT'S MOTION IN LIMINE 22 TO EXCLUDE EVIDENCE, ARGUMENT, OR REFERENCE TO ENDOCRINE DISRUPTION, BIRTH DEFECTS, OR EFFECTS ON GUT BACTERIA

Trial Judge: TBD

Trial Date: June 18, 2018
Time: 9:30 AM
Department: TBD

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 Opposition to Defendant's Motion in Limine No. 22 to Exclude Evidence, Argument, or Reference to Endocrine Disruption, Birth Defects, or Effects on Gut Bacteria. 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 expert report of Charles Benbrook.

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

Executed on June 7, 2018 in Orange, Virginia.

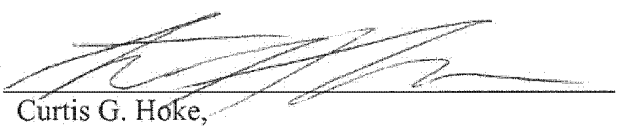
By: 
Curtis G. Hoke,
Declarant

EXHIBIT A

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

EXPERT REPORT OF CHARLES BENBROOK

4. Assessing Glyphosate's Capacity to Disrupt the Endocrine System

317. The European Commission had put in place a new set of testing guidelines to assess the degree to which pesticides have the potential to disrupt the functioning of the endocrine system. Such chemicals are generally referred to as "endocrine disruptors."

318. In April 2002 Monsanto employees in Europe report to headquarters that European regulators are working on development of a list of possible endocrine disrupting pesticides, and that some new assays might be required on glyphosate and/or formulated Roundup herbicides.

319. In response to this news, William Heydens sends an email at 7:20 a.m. on April 25th to Donna Farmer. In it, he suggests a call to "…to see if there is anything more we should be doing besides the usual 'pay no attention to the man behind the curtain'." He ends this email by saying "…this damn endocrine crap just doesn't go away, does it."

320. Farmer replies to Heydens at 8:19 a.m. (just under an hour later), and writes that the "interest[ing] point" is that published tests of possible glyphosate-endocrine disruption show that pure glyphosate has no effect, but formulated product (i.e. Roundup) does. (MONGLY00885551).

321. In response to Farmer, Heydens responds at 10:47 a.m. the same day, and reports that after discussions with other Monsanto experts, they: "…concluded, not surprisingly, that we are in pretty good shape with glyphosate but vulnerable with surfactants."

D. Patterns Emerge in OPP-Monsanto Interactions over Glyphosate's Toxicology Database

322. Applicants seeking registration of pesticide products and/or petitioning for the establishment of tolerances routinely submit studies that satisfy OPP/EPA data requirements. Submissions of such studies typically include the applicant's interpretation of the study results,

as well as the regulatory actions or decisions that the applicants believe the study results support. This is a standard feature of pesticide manufacturer-OPP interactions.

323. When OPP science branch reviews find studies to be acceptable (i.e., conducted in accord with Good Laboratory Practices, proper reporting of results, acceptable statistical analyses), agency scientists then determine whether they agree with the applicant's interpretation of the study results. When there is at least general agreement, scientific reviews usually include a finding that the request to establish a tolerance or grant a new registration is "supported" in terms of the purview of the relevant science branch.

324. In many cases, a recommendation is made to ask the applicant to satisfy some minor deficit in the supporting data, or information about how a given study was conducted. In other cases, an issue possibly impacting the interpretation of a study, or altering estimates of exposure or environmental risks, might be flagged as a way to trigger an assessment by another part of OPP.

325. General patterns emerge from a review of Monsanto-OPP interactions from 1974 to the present relative to glyphosate's toxicological data base, OPP reviews of submitted studies, and OPP risk estimates and regulatory actions.

326. Monsanto agrees and supports OPP/EPA assessments when they generally are consistent with the assessments advanced by Monsanto and support requested or proposed agency actions.

327. When OPP's assessment of a study deviates from Monsanto's and results in, or points toward a decision or action by OPP/EPA that Monsanto regards as unfavorable, the company typically first presents arguments bolstering its initial interpretation of study results, and the EPA actions supported by the study.