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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

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF SAN FRANCISCO**

DEWAYNE JOHNSON,

Plaintiff,

v.

MONSANTO COMPANY, STEVEN D.  
GOULD, WILBUR-ELLIS COMPANY  
LLC, and WILBUR-ELLIS FEED, LLC,

Defendants.

Case No. CGC-16-550128

**PLAINTIFF'S REPLY IN SUPPORT OF HIS  
MOTION IN LIMINE NO. 15 TO EXCLUDE  
EVIDENCE, TESTIMONY AND  
ARGUMENT RELATING TO PLAINTIFF'S  
EXPOSURE TO HENRY'S WET PATCH  
ROOF CEMENT**

Trial Judge: TBD

Trial Date: June 18, 2018

Time: 9:30 a.m.

Department: TBD

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**I. ARGUMENT**

In its response to Mr. Johnson's Motion, Monsanto argues that if Mr. Johnson is allowed to testify that he believes that his exposure to glyphosate-based products caused his mycosis fungoides, then it should be allowed to introduce evidence of chemicals that Mr. Johnson believes may have caused his squamous cell carcinoma. Monsanto should not be allowed to introduce to the jury irrelevant and speculative evidence.

There is no evidence that Henry's Cement causes, or is associated in any way, to NHL, mycosis fungoides, or squamous cell carcinoma. As such, the only purpose for introducing evidence of Mr. Johnson's exposure to Henry's Cement would be to suggest and infer that it caused Mr. Johnson's NHL. Without any evidence of an association between Henry's cement and NHL, mycosis fungoides, or squamous cell carcinoma., and no expert to opine that Mr. Johnson's exposure is relevant, this evidence or argument would be irrelevant and entirely speculative. Unrelated chemical exposure has no relevance to causation or damages in this case. Its introduction would only serve to confuse the jury – hearing evidence on the carcinogenic nature of a chemical without expert testimony to support such a conclusion. Such speculative evidence would be wasteful of the Court's time and resources. The Court should appropriately limit any evidence, argument, and testimony relating to Plaintiff's exposure to Henry's Wet Patch Cement.

Dated: June 12, 2018

Respectfully submitted,

**THE MILLER FIRM, LLC**

By: /s/ Curtis G. Hoke  
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Timothy Litzenburg (appearance *pro hac vice*)  
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*Attorneys for Plaintiff*  
**DEWAYNE JOHNSON**

1 PROOF OF SERVICE

2 I, Curtis G. Hoke, declare as follows:

3 I am a citizen of the United States and am employed in Orange County, Virginia. I am over the  
4 age of eighteen years and not a party to the within action. My business address is 108 Railroad  
5 Avenue, Orange, Virginia 22960. On June 12, 2018 \_\_\_\_\_, I served the following  
documents by the method indicated below:

6 PLAINTIFF'S REPLY IN SUPPORT OF HIS MOTION IN LIMINE NO. 15 TO  
7 EXCLUDE EVIDENCE, TESTIMONY AND ARGUMENT RELATING TO  
8 PLAINTIFF'S EXPOSURE TO HENRY'S WET PATCH ROOF CEMENT  
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15  By Electronically Serving the document(s) described above via LexisNexis File & Serve  
16 by 7:00 p.m. Pacific Standard Time on all parties appearing on the LexisNexis File & Serve  
service list.

17 **SEE ATTACHED SERVICE LIST**

18  
19 I declare under penalty of perjury under the laws of the State of California that the above  
is true and correct.  
20

21 Executed on this June 12, 2018 at Orange, Virginia.

22 

23  
24 Curtis G. Hoke,  
25 Declarant  
26  
27

1 *Johnson v. Monsanto Company, et al.*  
2 **San Francisco Superior Court Case No.: CGC-16-550128**

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