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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

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**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

**PLAINTIFF'S REPLY IN SUPPORT OF  
MOTION *IN LIMINE* 14 TO EXCLUDE  
PLAINTIFF'S UNRELATED MEDICAL  
HISTORY**

Trial Date: June 18, 2018

Time: 9:30 a.m.

Department: TBD

1 Defendant's Opposition speaks only to Plaintiff's medical conditions in general and does not  
2 articulate why the specific events and conditions listed in Plaintiff's Motion bear any relevance to this  
3 case. Unrelated medical conditions inquired about at deposition such as liver enzyme testing, injuries  
4 from car accidents, arthritis, wrist fracture, hernia, and back injury have no relevance to causation or  
5 damages in this case. They are wasteful of the Court's time and resources.

6 Defendant ignores the case law that holds a Plaintiff's waiver of privacy is not absolute.  
7 *Downing v. Barrett Mobile Home Transport, Inc.* (1974) 38 Cal. App. 3d 519, 525. Here, Plaintiff is  
8 only asking the Court to exclude medical history that is not related to his NHL. The Court should  
9 appropriately limit Defendants from discussing unrelated medical conditions with the intent to  
10 prejudice Plaintiff and confuse the jury. Plaintiff therefore respectfully requests that this honorable  
11 Court grant Plaintiff's Motion *in Limine* No. 14.

12  
13 DATED: June 12, 2018

Respectfully submitted,

14 **THE MILLER FIRM, LLC**

15  
16 By: /s/ Curtis G. Hoke  
17 Michael J. Miller (appearance *pro hac vice*)  
18 Timothy Litzenburg (appearance *pro hac vice*)  
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27 *Attorneys for Plaintiff*  
28 *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  
6 documents by the method indicated below:

7 PLAINTIFF'S REPLY IN SUPPORT OF MOTION IN LIMINE 14 TO EXCLUDE  
8 PLAINTIFF'S UNRELATED MEDICAL HISTORY  
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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  
17 service list.

18 **SEE ATTACHED SERVICE LIST**

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

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

22   
23 \_\_\_\_\_

24 Curtis G. Hoke,  
25 Declarant

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

3 **SERVICE LIST**

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28 Sandra A. Edwards, Esq. Joshua W. Malone, Esq. <b>Farella Braun + Martel LLP</b> 235 Montgomery Street, 17 <sup>th</sup> Floor San Francisco, California 94104 Tel: (415) 95404400 Fax: (415) 954-4480 sedwards@fbm.com jmalone@fbm.com	Counsel for Defendant  Served electronically via Lexis Nexis File&Serve Xpress

28 PROOF OF SERVICE