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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*)
19 Curtis G. Hoke (State Bar No. 282465)
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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
26
27

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

3 **SERVICE LIST**

4 George C. Lombardi, Esq. 5 James M. Hilmert, Esq. 6 WINSTON & STRAWN LLP 7 35 West Wacker Drive 8 Chicago, IL 60601 9 Tel: (312) 558-5969 Fax: (312) 558-5700 glombard@winston.com jhilmert@winston.com	Counsel for Defendant Served electronically Via Lexis Nexis File&Serve Xpress
10 Joe G. Hollingsworth, Esq. 11 Eric G. Lasker, Esq. 12 Martin C. Calhoun, Esq. 13 Kirby T. Griffis, Esq. 14 William J. Cople III, Esq. 15 HOLLINGSWORTH LLP 16 1350 I Street, N.W. 17 Washington, DC 20005 18 Tel: (202) 898-5800 19 Fax: (202) 682-1639 jhollingsworth@hollingsworthllp.com elasker@hollingsworthllp.com mcalhoun@hollingsworthllp.com kgriffis@hollingsworthllp.com wcople@hollingsworthllp.com	Counsel for Defendant Served electronically via Lexis Nexis File&Serve Xpress
20 Sandra A. Edwards, Esq. 21 Joshua W. Malone, Esq. 22 Farella Braun + Martel LLP 23 235 Montgomery Street, 17 th Floor 24 San Francisco, California 94104 25 Tel: (415) 95404400 26 Fax: (415) 954-4480 sedwards@fbm.com jmalone@fbm.com	Counsel for Defendant Served electronically via Lexis Nexis File&Serve Xpress

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28 **PROOF OF SERVICE**