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Attorneys for Defendant
MONSANTO COMPANY

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

DEWAYNE JOHNSON,
Plaintiff,

vs.

MONSANTO COMPANY,
Defendant.

Case No. CGC-16-550128

**DECLARATION OF SANDRA A.
EDWARDS IN SUPPORT OF
DEFENDANT MONSANTO COMPANY'S
OPPOSITION TO PLAINTIFF'S
MOTION TO ALLOW LIVE VIDEO
TESTIMONY AT TRIAL**

Honorable Judge Suzanne R. Bolanos

Department: 504

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco
06/22/2018
Clerk of the Court
BY: VANESSA WU
Deputy Clerk

1 I, Sandra A. Edwards, declare as follows:

2 1. I am an attorney duly admitted to practice before this Court. I am a partner with
3 Farella Braun + Martel LLP, attorneys of record for Monsanto Company ("Monsanto"). I submit
4 this Declaration in support of Monsanto's Opposition to Plaintiff's Motion to Allow Live Video
5 Testimony at Trial.

6 2. Attached hereto as **Exhibit 1** is a true and correct copy of a photograph of a
7 subpoena served upon Donna Farmer on June 20, 2018 and sent to us on the same date. It redacts
8 the personal address of Dr. Farmer.

9 3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the June
10 20, 2018 hearing in this case.

11 4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the June
12 18, 2018 hearing in this case.

13 5. Attached hereto as **Exhibit 4** is a true and copy of the docket for *In re: Matter of*
14 *Dewayne Lee Johnson*, 18SL-CC02418, obtained from the Missouri Courts' online portal.

15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct, and that this declaration was executed on June 22, 2018, at San
17 Francisco, California.

18
19 

20 Sandra A. Edwards

Exhibit 1

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI
SUBPOENA

(Order to Appear and Produce Documents)

In Re: Matter of Dewayne Lee Johnson

James T. Corrigan

Plaintiff/Petitioner

O'Leary, Shelton, Corrigan, Peterson, Dalton & Quillin, LLC

1034 S. Brentwood Blvd., 23rd Fl., St. Louis, MO 63117

(314) 425-8000

Attorney for Plaintiff/Petitioner

Defendant/Respondent

Attorney for Defendant/Respondent

TO: Dr. Donna Farmer, Monsanto Company

18SL-CC02418

Case Number

18

Division

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Circuit Clerk's Office at 314/615-8029, Fax 314/615-8739, or TTY 314/615-4567, at least three business days in advance of the court proceeding.

YOU ARE COMMANDED TO APPEAR BEFORE THE ST. LOUIS COUNTY CIRCUIT COURT

☐ Courthouse

105 South Central Ave.
Clayton, Missouri 63105

☐ Justice Center

100 S. Central Ave.
Clayton, MO 63105

Date July 2, 2018

Time 11:30 a.m. CT

1034 S. Brentwood Blvd., 23rd Fl., St. Louis, MO 63117

and thereafter from time to time until the case be disposed of or you are finally discharged.

☒ To testify on behalf of Case No. CCC-16-550128 Petitioner via video conference for Dewayne Lee Johnson v. Monsanto Company matter pending in Superior Court of San Francisco County, CA.

☐ To produce the following: _____



WITNESS, Joan M. Gilmer, Clerk of Circuit Court with the seal thereof hereto affixed, at the office of the County of St. Louis, on _____, 201 _____

Joan M. Gilmer
JOAN M. GILMER, Circuit Clerk

The attorney or party requesting attendance of witness:

☐ The date and hour that your testimony shall be required cannot be stated with certainty. Therefore, you are directed to telephone _____ at _____ between the hours of 9:00 a.m. and 5:00 p.m. on _____, 201 _____ at which time you will be further instructed concerning your appearance. Such instruction may require that you appear on a subsequent date, without further personal service.

served a copy hereof, in the County of St. Louis, Missouri, on _____, 201_____
(by reading same) (by delivering a true copy) to the within named witness.

To summoning the witness

To the return of non est on this subpoena \$

To miles traveled serving this subpoena \$

TOTAL FEES \$

JIM BUCKLES, Sheriff

By _____
Deputy

INSTRUCTIONS TO APPLY FOR WITNESS FEE

After the witness testified or has been dismissed, the witness shall take this copy to the Office of the Circuit Clerk, on Street Level, or the appropriate Division Clerk, for entry on the books as provided by law. Otherwise, witness fees cannot be taxed. If the Office of the Circuit Clerk is closed, see the Courtroom Clerk.

WITNESS CLAIM

I hereby certify that I am entitled to _____ days and _____ miles traveled for service as a witness under this subpoena.

Witness Signature

Subscribed and sworn before me and entered this _____ day of _____, 201_____

JOAN M. GILMER, Circuit Clerk

By _____
Deputy

IN THE CIRCUIT COURT FOR THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

IN RE: Matter of

Dewayne Lee Johnson

Petitioner.

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Cause No.

Division No.

MISCELLANEOUS PETITION

COMES NOW Dewayne Lee Johnson ("Plaintiff"), by and through his undersigned attorneys, and for his Miscellaneous Petition states to the Court as follows:

1. Dewayne Lees Johnson is a resident of Vallejo, California and is in trial against Monsanto Company in San Francisco, California commencing on June 18, 2018. *Johnson v. Monsanto Company* (Super. Ct. for the County of San Francisco, CGC-16-550128).
2. Plaintiff seeks to compel the testimony of Dr. Donna Farmer, Product Protection and Nutrition Lead for Monsanto, at trial.
3. Plaintiff seeks to compel via the attached subpoena pursuant to Rule 57 and RSMO 492.100 the testimony of Dr. Donna Farmer via video conference on July 2, 2018.
4. Plaintiff seeks an Order from this Court compelling Dr. Donna Farmer to appear on July 2, 2018 at the offices of O'Leary, Shelton, Corrigan, Peterson, Dalton & Quillin, LLC, located at 1034 S. Brentwood Blvd., St. Louis, Missouri 63117 to testify live at trial via video conference pursuant to **Exhibit 1**, according to the Missouri Rules of Civil Procedure. (See **Exhibit 1**, to be served upon Dr. Farmer).

WHEREFORE, Dewayne Lee Johnson, by and through his undersigned attorneys, hereby

requests this Court order issuance of a Subpoena that requires Dr. Donna Farmer to appear at the offices of O'Leary, Shelton, Corrigan located at 1034 S. Brentwood Blvd., St. Louis, Missouri 63117 on July 2, 2018, at 11 a.m. CT / 9:00 a.m. PT for testimony via video conference as designated in the subpoena (the time set forth in Exhibit 1 is 9:00 a.m. PT).

**O'LEARY, SHELTON, CORRIGAN,
PETERSON, DALTON & QUILLIN, LLC**

By /s/James T. Corrigan
James T. Corrigan, #45127
1034 S. Brentwood Blvd.
Penthouse 1-A, 23rd Floor
St. Louis, Mo 63117
(314) 405-9000 telephone
(314) 405-9999 facsimile
corrigan@osclaw.com
Attorneys for Petitioner

IN THE CIRCUIT COURT FOR THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

IN RE: Matter of

Dewayne Lee Johnson

Petitioner.

Cause No.

Division No.

FILED

JUN 19 2018

JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY**ORDER**

Pursuant to Rule 57, and the Petitioner's Miscellaneous Petition for Issuance of Subpoena for Dr. Donna Farmer to appear for testimony, this Court hereby order grants Plaintiff's Miscellaneous Petition and hereby orders that a Subpoena for Dr. Donna Farmer to appear at the offices of O'Leary, Shelton, Corrigan located at 1034 S. Brentwood Blvd., St. Louis, Missouri 63117 on July 2, 2018 at 11 a.m. CT / 9:00 a.m. PT for testimony via video conference as designated in the subpoena (the time set forth in Exhibit 1 is 9:00 a.m. PT)..

SO ORDERED:**DATE:**6-19-18

Exhibit 2

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

DEWAYNE JOHNSON,

Plaintiff,

vs.

Case No. CGC-16-550128

MONSANTO COMPANY, et al.,

Defendants.

Proceedings held on Wednesday, June 20, 2018,
before the Honorable Suzanne R. Bolanos,
at 1:35 p.m.

REPORTED BY:

Mary Hogan, CSR No. 05386

1 APPEARANCES:

2

3 For the Plaintiff:

4 MICHAEL L. BAUM, ESQ.

5 R. BRENT WISNER, ESQ.

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19 MARK BURTON, ESQ.

20 AUDET & PARTNERS

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1 For the Defendant:

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8 GEORGE C. LOMBARDI, ESQ.

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12 Chicago, IL 60601

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15 GRANT W. HOLLINGSWORTH, ESQ.

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17 HOLLINGSWORTH LLP

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19 Washington, DC 20005

20 202-898-5800

21

22

23

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1 happen, obviously the deposition video for that witness
2 we would be playing we would not do, we would just call
3 them live.

4 So I wanted to give that as something
5 that's in the works. It's one of those situations
6 where you want to be very frank and have candor
7 with the Court but you also don't want to lead to
8 other problems. So I just wanted to put that on
9 the Court's radar.

10 THE COURT: Okay.

11 MR. LOMBARDI: I don't know if Your Honor
12 wants to hear from us on that but I'll just say that
13 this is way, way past the deadline to start talking
14 about adding a live witness in this case. We have
15 given them a break on some of this, but at this point I
16 don't know who it is, I don't know exactly how this is
17 going to work out, but we will be very opposed to a
18 change at this late juncture. We're picking a jury
19 tomorrow.

20 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

 [REDACTED] It's just as though the
24 witness were down the street. We could subpoena them
25 for live testimony but we're seeing if we can use

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I, the undersigned, a Certified
Shorthand Reporter of the State of California, do
hereby certify:

That the foregoing proceedings were
taken before me at the time and place herein set
forth; that any witnesses in the foregoing
proceedings, prior to testifying, were duly sworn;
that a record of the proceedings was made by me
using machine shorthand which was thereafter
transcribed under my direction; that the foregoing
transcript is a true record of the proceedings.

I further certify that I am neither
financially interested in the action nor a
relative or employee of any attorney or party to
this action.

IN WITNESS WHEREOF, I have this date
subscribed my name.

Dated: June 20, 2018

Mary Hogan

CSR No. 05386

Exhibit 3

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3

4 DEWAYNE JOHNSON,
5 Plaintiff,

7 vs. Case No. CGC-16-550128

9 MONSANTO COMPANY, et al.,
10 Defendants.
11 -----
12

13 Proceedings held on Monday, June 18, 2018,
14 before the Honorable Suzanne R. Bolanos,
15 at 1:48 p.m.
16
17
18
19
20

21 REPORTED BY:
22 Mary Hogan, CSR No. 05386
23 Job No. 2945749
24

25 Pages 1 - 67

1 APPEARANCES:

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3 For the Plaintiff:

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1 For the Defendant:

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16 1350 I Street, N.W.

17 Washington, DC 20005

18 202-898-5800

This is obviously determinable and we can do that and let you know.

THE COURT: Okay. Then what I would ask is if you could meet and confer on the video depositions before the next time we meet, I would like just your total estimate.

Actually, it would be useful to have a breakdown between Plaintiff and Defendants' designations and then the total.

MR. WISNER: Yes, Your Honor.

THE COURT: Okay. Then let's turn to the Defense list. Okay. Looking at Defendant Monsanto's trial time limits, is your first witness on this list there Warren Foster?

MR. LOMBARDI: No, Your Honor. On our trial time limits it's Dr. Al-Khatib. This was filed, I think, the 13th of this month.

THE COURT: All right. I think I'm missing a page of your trial time minutes so why don't you tell me -- I see Dr. Al-Khatib on your witness list, so he is an expert and you are calling him for two hours, is that right?

1 I, the undersigned, a Certified
2 Shorthand Reporter of the State of California, do
3 hereby certify:

4 That the foregoing proceedings were
5 taken before me at the time and place herein set
6 forth; that any witnesses in the foregoing
7 proceedings, prior to testifying, were duly sworn;
8 that a record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is a true record of the proceedings.

12 I further certify that I am neither
13 financially interested in the action nor a
14 relative or employee of any attorney or party to
15 this action.

16 IN WITNESS WHEREOF, I have this date
17 subscribed my name.

18 Dated: June 19, 2018
19
20
21
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23 <%signature%>

24 Mary Hogan

25 CSR No. 05386

Exhibit 4



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18SL-CC02418 - IN RE: MATTER OF DEWAYNE LEE JOHNSON (E-CASE)

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06/21/2018

Entry of Appearance Filed

Filed By: GREGORY JAMES MINANA

Motion to Quash

Motion to Quash Trial Subpoena; Exhibit A; Electronic Filing Certificate of Service.

Filed By: GREGORY JAMES MINANA

Notice of Service

Affidavit of Personal Service.

Filed By: JAMES T. CORRIGAN

On Behalf Of: DEWAYNE LEE JOHNSON

06/19/2018

Tried by Court-Civil

Order

Plaintiff's petition for subpoena granted. SO ORDERED: JUDGE ELLEN RIBAUDO

[REDACTED]

[REDACTED]