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ELECTRONICALLY
FILED
*Superior Court of California,
County of San Francisco*
06/25/2018
Clerk of the Court
BY: VANESSA WU
Deputy Clerk

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **FOR THE COUNTY OF SAN FRANCISCO**

15 DEWAYNE JOHNSON,

16 Plaintiff,

17 v.

18 MONSANTO COMPANY

19 Defendants.

20 Case No. CGC-16-550128

21 **PLAINTIFF'S OBJECTION TO**
22 **MONSANTO COMPANY'S CURATIVE**
23 **INSTRUCTION NO. 1**

24 Hon. Judge Suzanne R. Bolanos

25 Department: 504

26 Trial Date: June 18, 2018

1 Plaintiff hereby objects to Monsanto Company's request that the court read a curative
2 instruction to the jury prior to opening statements. Plaintiff submits that a curative instruction is
3 unnecessary, appropriately handled in the Court's preliminary instructions, and would likely confuse
4 the jury. Furthermore, Monsanto's proposed instruction is highly prejudicial and would
5 inappropriately paint Plaintiff's counsel in a negative light prior to the beginning of trial.

6 In the alternative, if the Court is inclined to read a curative instruction to the jury, Plaintiff
7 would propose the following based on CACI 100 and CACI 106;

8 **Proposed Curative Instruction No. 1**

9 During mini-opening statements, counsel made references to laws that will govern in
10 this case. What the attorneys say during their opening statements is not evidence. What the
11 lawyers say may help you understand the law and the evidence, but their statements and
12 arguments are not evidence. I will explain the law that you must follow to reach your verdict.
13 You must follow the law as I explain it to you, even if you do not agree with the law.

14
15
16 DATED: June 25, 2018

Respectfully submitted,

17 By: /s/ Curtis G. Hoke

18 Curtis G. Hoke (SBN 282465)
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25 Attorneys for Plaintiff,
26 DEWAYNE JOHNSON
27
28

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 25, 2018 _____, I served the following
6 documents by the method indicated below:

7 **PLAINTIFF'S OBJECTION TO MONSANTO COMPANY'S CURATIVE
8 INSTRUCTION NO. 1**

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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 25, 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 PROOF OF SERVICE