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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

**DEFENDANT MONSANTO COMPANY'S  
REQUESTED VERDICT FORM**

Trial Date: June 18, 2018  
Time: 9:30 a.m.  
Department: 504  
The Honorable Suzanne R. Bolanos

ELECTRONICALLY  
**FILED**

Superior Court of California,  
County of San Francisco

**08/10/2018**

Clerk of the Court

BY: DAVID YUEN

Deputy Clerk


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Pursuant to the Court's Case Management Order No. 7, Monsanto hereby submits its Proposed Verdict Form, attached hereto as Exhibit A.

Dated: August 1, 2018

Respectfully submitted,

FARELLA BRAUN + MARTEL LLP

By: 

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Sandra A. Edwards

Attorneys for Defendant  
MONSANTO COMPANY

# EXHIBIT A

## CLAIM OF DESIGN DEFECT

We answer the questions submitted to us as follows:

1. Are the Roundup Pro® and Ranger Pro® products ones about which an ordinary consumer can form reasonable minimum safety expectations?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 1 is yes, then answer question 2. If you answered no, proceed to question 4.

2. Did the Roundup Pro® and Ranger Pro® products fail to perform as safely as an ordinary consumer would have expected when used or misused in an intended or reasonably foreseeable way?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 2 is yes, then answer question 3. If you answered no, proceed to question 4.

3. Was the Roundup Pro® and Ranger Pro® product design a substantial factor in causing harm to Dewayne Johnson?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Answer question 4.

**CLAIM OF STRICT LIABILITY—FAILURE TO WARN**

4. Did the Roundup Pro® and Ranger Pro® products have risks of causing cancer that were known or knowable in light of the scientific knowledge that was generally accepted in the scientific community at the time the products were used by Dewayne Johnson?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 4 is yes, then answer question 5. If you answered no, proceed to question 9.

5. Did the Roundup Pro® and Ranger Pro® products present a substantial danger in causing cancer to persons using the Roundup Pro® and Ranger Pro® products or misusing them in an intended or reasonably foreseeable way?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 5 is yes, then answer question 6. If you answered no, proceed to question 9.

6. Would ordinary consumers have recognized the risks?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 6 is no, then answer question 7. If you answered yes, proceed to question 9.

7. Did Monsanto fail to adequately warn of the risks?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 7 is yes, then answer question 8. If you answered no, proceed to question 9.

8. Was the lack of sufficient warnings a substantial factor in causing Dewayne Johnson to develop mycosis fungoides?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Go to question 9.

**CLAIM OF NEGLIGENT FAILURE TO WARN**

9. Did Monsanto know or should it reasonably have known that the Roundup Pro® and Ranger Pro® products were likely to cause cancer when used or misused in a reasonably foreseeable manner?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 9 is yes, then answer question 10. If you answered no, proceed to question 14.

10. Did Monsanto know or should it reasonably have known that users would not realize the danger?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 10 is yes, then answer question 11. If you answered no, proceed to question 14.

11. Did Monsanto fail to adequately warn of the danger or instruct on the safe use of Roundup Pro® and Ranger Pro®?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 11 is yes, then answer question 12. If you answered no, proceed to question 14.

12. Would a reasonable manufacturer, distributor, or seller under the same or similar circumstances have warned of the danger or instructed on the safe use of the Roundup Pro® and Ranger Pro®?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 12 is yes, then answer question 13. If you answered no, proceed to question 14.

13. Was the lack of sufficient warnings a substantial factor in causing Dewayne Johnson to develop mycosis fungoides?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Proceed to question 14.

## CLAIM OF DAMAGES

If you answered yes to question 3, 8, or 13, then answer question 14. If you did not answer or answered no to question 3, 8, or 13, stop here, answer no further questions, and have the presiding juror sign and date this form.

14. What are Dewayne Johnson's damages?

Past economic loss:	\$ 819,882.32
Future economic loss:	\$1,433, 327.00
Past noneconomic loss:	\$ _____
Future noneconomic loss	\$ _____



**CLAIM OF MALICE OR OPPRESSION**

15. Do you find by clear and convincing evidence that Monsanto acted with malice or oppression in the conduct upon which you base your finding of liability in favor of Mr. Johnson?

Yes       No

If your answer to question 15 is yes, then answer question 16. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

16. Do you find by clear and convincing evidence that the conduct constituting malice or oppression was:

(a) committed by one or more officers, directors, or managing agents of Monsanto, who acted on behalf of Monsanto;

Yes       No

or

(b) authorized by one or more officers, directors or managing agents of Monsanto, who acted on behalf of Monsanto;

Yes       No

or

(c) adopted or approved, after that conduct occurred, by one or more officers, directors or managing agents of Monsanto, who knew of that conduct.

Yes       No

If your answer(s) to question 16(a), 16(b) or 16(c) is yes, then answer question 17. If you answered no as to question 16(a), 16(b) and 16(c), stop here, answer no further questions, and have the presiding juror sign and date this form.

17. What amount of punitive damages, if any, do you award Dewayne Johnson?  
\$ \_\_\_\_\_

Signed: \_\_\_\_\_  
Presiding Juror

Dated: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

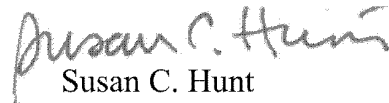
I hereby certify that on this 10<sup>th</sup> day of August, 2018, I electronically filed the foregoing

- **DEFENDANT MONSANTO COMPANY'S REQUESTED**

**VERDICT FORM**

with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Curtis G. Hoke, Esq.  
The Miller Firm, LLC  
108 Railroad Avenue  
Orange, VA 22960

  
Susan C. Hunt