

1 Sandra A. Edwards (State Bar No. 154578)
Joshua W. Malone (State Bar No. 301836)
2 Farella Braun + Martel LLP
235 Montgomery Street, 17th Floor
3 San Francisco, CA 94104
Telephone: (415) 954-4400
4 Fax: (415) 954-4480
sedwards@fbm.com
5 jmalone@fbm.com

6 Joe G. Hollingsworth (appearance *pro hac vice*)
Eric G. Lasker (appearance *pro hac vice*)
7 Kirby T. Griffis (appearance *pro hac vice*)
Hollingsworth LLP
8 1350 I Street, N.W.
Washington, DC 20005
9 Telephone: (202) 898-5800
Fax: (202) 682-1639
10 jhollingsworth@hollingsworthllp.com
elasker@hollingsworthllp.com
11 kgriffis@hollingsworthllp.com
wcople@hollingsworthllp.com

12 *Attorneys for Defendant*
13 MONSANTO COMPANY

K. Lee Marshall (State Bar No. 277092)
Bryan Cave Leighton Paisner LLP
Three Embarcadero Center, 7th Floor
San Francisco, California 94111-4070
Telephone: 415-675-3400;
Fax: 415-675-3434
klmarshall@bclplaw.com

George C. Lombardi (appearance *pro hac vice*)
James M. Hilmert (appearance *pro hac vice*)
Winston & Strawn LLP
35 West Wacker Drive
Chicago, IL 60601
Telephone: (312) 558-5969;
Fax: (312) 558-5700
glombard@winston.com
jhilmert@winston.com

Attorneys for Defendant
MONSANTO COMPANY

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

19 DEWAYNE JOHNSON,

20 Plaintiff,

21 vs.

22 MONSANTO COMPANY,

23 Defendant.

Case No. CGC-16-550128

**DECLARATION OF SANDRA A.
EDWARDS IN SUPPORT OF
MONSANTO COMPANY'S EX PARTE
APPLICATION FOR LEAVE TO
EXCEED PAGE LIMITS FOR MOTIONS
FOR NEW TRIAL AND JUDGMENT
NOTWITHSTANDING THE VERDICT**

Honorable Judge Suzanne R. Bolanos

Hearing Date: Sept. 11, 2018
Time: 2:00 p.m.
Dept: 504
Trial Date: June 18, 2018

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 Defendant Monsanto Company (“Monsanto”).
4 I submit this Declaration In Support of Monsanto’s Ex Parte Application For Leave to Exceed
5 Page Limits For Motions for New Trial and Judgment Notwithstanding the Verdict.

6 2. Given the complexity of the issues, and the magnitude of evidence, to be addressed
7 in Monsanto’s Motion for New Trial and Motion for Judgment Notwithstanding the Verdict
8 (“Motions”), Monsanto must exceed the page limits set forth in California Rules of Court Rule
9 3.1113. This has necessitated the filing of this *ex parte* Application.

10 3. On September 5, 2018, my co-counsel Kirby Griffis emailed Plaintiff’s counsel and
11 requested that Plaintiff agree that Monsanto may have up to forty pages for each opening
12 memoranda in support of its Motions. On the same day, counsel for Plaintiff responded and
13 agreed to the extension of the page limits, if Monsanto would agree to allow Plaintiff forty pages
14 for his oppositions to Monsanto’s Motions, and also allow Plaintiff a ten day extension of time for
15 filing his oppositions. Mr. Griffis responded the same day and agreed to provide Plaintiff forty
16 pages for his opposition if Monsanto were allowed forty pages for its opening memoranda, but
17 noted that it could not agree to an extension of time.

18 4. On September 6, 2018, Plaintiff’s counsel sent a further email stating that Plaintiff
19 does not agree to forty pages unless also allowed additional time for his oppositions. Later that
20 day, Mr. Griffis replied that while Monsanto would otherwise agree to an extension of time, such
21 an extension would not leave this Court sufficient time to hold a hearing and issue a ruling in
22 advance of the statutory deadlines, and that Monsanto planned to move for relief requesting forty
23 pages for its memoranda. Plaintiff’s counsel responded that day and offered an extension of up to
24 thirty pages for both Monsanto’s opening memoranda and his opposition, in exchange for a four
25 day extension of time on Plaintiff’s opposition brief and stated that, if Monsanto did not agree,
26 Monsanto would need to move the Court for relief. A true and correct copy of this email
27 exchange is attached as **Exhibit 1**.

28 5. On Monday, September 10, 2018 at 9:29 a.m. PDT, I sent an email to Plaintiff’s

1 counsel, Mr. Dickens, informing him that an *ex parte* hearing to discuss this matter was scheduled
2 for September 11, 2018 at 2 p.m. in Department 504.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct, and that this declaration was executed on September 11, 2018, at
5 San Francisco, California.

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Sandra A. Edwards

Exhibit 1

From: Edwards, Sandra (20) x4428
Sent: Monday, September 10, 2018 9:29 AM
To: 'David Dickens'; 'Griffis, Kirby T.'; Jeffrey Travers
Cc: R. Brent Wisner; Lombardi, George C.; Michael Miller
Subject: RE: Page limits

David,

We will be appearing tomorrow (**September 11**) in Department 504 at 2:00 p.m. PST to request an extension of page limits for both the motion for new trial and motion for judgment notwithstanding the verdict, as well as the reply briefs.

Best,

From: David Dickens [mailto:DDickens@millerfirmllc.com]
Sent: Thursday, September 06, 2018 9:00 AM
To: 'Griffis, Kirby T.'; Jeffrey Travers
Cc: R. Brent Wisner; Edwards, Sandra (20) x4428; Lombardi, George C.; Michael Miller
Subject: RE: Page limits

Kirby,

We don't agree with your position that Judge Bolanos would not have sufficient time to rule on the motions before the required deadline if there was an extension. We certainly don't think that it is reasonable to require us to respond to 80 pages of motions within 10 days.

As a compromise, we would agree to 30 pages (for both motion and our opposition) if you agree to a 4 day extension on Plaintiff's opposition brief. If you do not agree to this proposal, you will have to seek relief from the Court.

David J. Dickens
The Miller Firm, LLC
108 Railroad Avenue
Orange, VA 22960
Tel: 540-672-4224

From: Griffis, Kirby T. [mailto:KGriffis@Hollingsworthllp.com]
Sent: Thursday, September 06, 2018 10:47 AM
To: David Dickens <DDickens@millerfirmllc.com>; Jeffrey Travers <JTravers@millerfirmllc.com>
Cc: R. Brent Wisner <rbwisner@baumhedlundlaw.com>; Edwards, Sandra <sedwards@fbm.com>; Lombardi, George C. <glombard@winston.com>
Subject: RE: Page limits

David - I expressed myself poorly earlier – it's a question of the time limits on a decision. There isn't a reasonable amount time for us to complete briefing, have a hearing, and for Judge Bolanos to issue a decision if there is an

extension. I wish we could kick out the mandatory limit on her ruling and get us all some more briefing time, but it is not allowed. We therefore can't agree to an extension on the briefing.

Based on my understanding of your position, we'll plan to move for relief asking for 40 pages for the motions.



Kirby T. Griffis

Partner

☎ 202.898.5828 | KGriffis@Hollingsworthllp.com
1350 I Street NW | Washington, DC 20005
www.hollingsworthllp.com

From: David Dickens [<mailto:DDickens@millerfirmllc.com>]
Sent: Thursday, September 06, 2018 8:18 AM
To: Jeffrey Travers; Griffis, Kirby T.
Cc: R. Brent Wisner; Edwards, Sandra; Lombardi, George C.
Subject: RE: Page limits

Kirby,

As noted by Jeff, it is our understanding that we can extend the deadlines up to 10 days by written stipulation under CCP 659A. Please let us know if you disagree.

Without additional time to respond, we will not be able to stipulate to 40 pages for each of your motions. If we can't come to an agreement on CCP 659A, we will discuss internally on whether there is an extended page limit for which we would be willing to stipulate.

If you would like to discuss the matter further, feel free to give me a call: (703) 774-1509

Thanks,

David J. Dickens
The Miller Firm, LLC
108 Railroad Avenue
Orange, VA 22960
Tel: 540-672-4224

From: Jeffrey Travers
Sent: Wednesday, September 05, 2018 7:32 PM
To: David Dickens <DDickens@millerfirmllc.com>; Griffis, Kirby T. <kgriffis@hollingsworthllp.com>
Cc: R. Brent Wisner <rbwisner@baumhedlundlaw.com>; Edwards, Sandra <sedwards@fbm.com>; Lombardi, George C. <glombard@winston.com>
Subject: Re: Page limits

Kirby,

CCP 659A which governs the deadlines provides that, "These deadlines may, for good cause shown by affidavit or by written stipulation of the parties, be extended by any judge for an additional period not to exceed 10 days." We can send a stipulation to the Court for approval.

Jefg

Get Outlook for Android

From: Griffis, Kirby T.
Sent: Wednesday, September 5, 7:11 PM
Subject: Re: Page limits
To: David Dickens
Cc: R. Brent Wisner, Jeffrey Travers, Edwards, Sandra, Lombardi, George C.

David - I am told that we CAN'T consent to (2), as in are not allowed to do so under Cali rules. (Would otherwise be glad to do so and ask for 5 more days on reply.) Glad to agree on the part where we have freedom - your pages as well as ours - is that agreeable? If so we'll prepare an order.

On Sep 5, 2018, at 4:50 PM, David Dickens <DDickens@millerfirmllc.com> wrote:

Kirby,

We will agree to 40 pages each for your new trial and JNOV motions if you consent to the following: (1) 40 pages each for our oppositions to new trial and JNOV motions; and (2) a 10 day extension for the filing of our oppositions.

Let me know if this is agreeable.

David J. Dickens
The Miller Firm, LLC
108 Railroad Avenue
Orange, VA 22960
Tel: 540-672-4224

From: Griffis, Kirby T. [<mailto:KGriffis@Hollingsworthllp.com>]
Sent: Wednesday, September 05, 2018 3:07 PM
To: David Dickens <DDickens@millerfirmllc.com>; R. Brent Wisner <rbwisner@baumhedlundlaw.com>; Jeffrey Travers <JTravers@millerfirmllc.com>
Cc: Edwards, Sandra <sedwards@fbm.com>; Lombardi, George C. <glombard@winston.com>
Subject: Page limits

Please let us know if you will consent to 40 pages each for our new trial and JNOV motions, or if we'll need to go to Judge Bolanos on that. Thank you.

<image001.jpg>

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