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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  
DEFENDANT MONSANTO COMPANY'S  
MOTION FOR NEW TRIAL AND  
MOTION FOR JUDGMENT  
NOTWITHSTANDING THE  
VERDICT**

**[Cal. Code Civ. Proc. §§ 629, 657, et seq.]**

Hon. Judge Suzanne R. Bolanos

Hearing Date: October 10, 2018  
Time: 2:00 p.m.  
Department: 504  
Trial Date: June 18, 2018

1 I, Sandra Edwards, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California. I am a  
3 partner of the law firm Farella Braun + Martel LLP, counsel of record for Defendant Monsanto  
4 Company (“Monsanto”). I have personal knowledge of the facts set forth in this declaration and,  
5 if called to testify, could and would testify competently to the facts set forth herein.

6 2. I have been and am trial counsel in the case of *Johnson v. Monsanto*, Case No.  
7 CGC-16-550128, and participated in the jury trial in this matter, which concluded on August 10,  
8 2018. Monsanto was served with the Notice of Entry of Judgment on August 23, 2018.

9 3. In support of Monsanto’s Motion for New Trial on the ground of procedural  
10 irregularity under California Code of Civil Procedure § 657(1), and pursuant to California Code of  
11 Civil Procedure § 658, attached as **Exhibit A** is a true and correct copy of the relevant portions of  
12 the trial transcript illustrating Plaintiff’s counsel’s numerous instances of misconduct, including  
13 improper closing argument and multiple references to excluded evidence. Attached as **Exhibit B**  
14 are post-verdict statements made to the media by Plaintiff’s counsel Brent Wisner, as well as  
15 Robert F. Kennedy Jr. who is counsel of record in other actions involving the Roundup  
16 formulation, that are also illustrative of misconduct.

17 4. For the Court’s convenience, attached are true and correct relevant excerpts of the  
18 trial transcript cited in Monsanto’s Motion for New Trial and Motion for Judgment  
19 Notwithstanding the Verdict, filed concurrently herewith, as set forth in the below chart:

<b>Decl. Ex. Letter</b>	<b>Trial Transcript Excerpt Description</b>	<b>Date</b>
C	Pre-trial evidentiary rulings 127-129	June 20 – 21, 2018
D	Opening Statement 1451:21–1452:2	July 9, 2018
E	Mark Martens Dep. 127:11-129:3; 194:9-14; 198:4-19; 216:16- 217:21, 218:18-25; 224:25-225:7; 227:20– 228:5	July 10, 2018
F	Christopher Portier	July 12 – 17, 2018

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<b>Decl. Ex. Letter</b>	<b>Trial Transcript Excerpt Description</b>	<b>Date</b>
	1717:7-12; 1741:25-1742:15; 1863:3-12; 1863:21-25; 1878:12-15; 1885:17-22; 1887:3-6; 1890:12-1891:22; 1895:13-20; 1898:19-21; 1912:15-19; 1914:5-8; 1964:13; 1964:13-1965:7; 1964:23-25; 1965:1-3; 1965:2-7; 2010:4-25; 2014:6-14; 2051:1-3; 2072:14-23; 2091:14-17; 2094:7-2098:5; 2098:13-23; 2098:21-23; 2100:18-2101:22; 2102:6-20; 2104:21-2105:18; 2105:9-18; 2106:12-15; 2107:7-2111:1; 2110:23-2111:1; 2110-2112; 2111:2-9; 2121:11-19; 2121-2122; 2151:16-2155:1; 2200:13-15; 2207:14-19; 2208-2210; 2229:13-2230:6; 2234:22-2235-1; 2237:15-2238:1; 2257:10-20; 2258:15-17; 2338:24-2339:7; 2357:19-23; 2367:10-16; 2373:19-25; 2451:3-5.	
G	William Heydens Dep.  124:23-125:8; 168:1-10; 175:1-22; 406:12-18.	July 17, 2018
H	Alfred Neugut  2598:4-19; 2613:6-12; 2614:16-21; 2614:17-21; 2635:23-2636:1; 2636:10-13; 2645:16-20; 2645:17-21; 2671:9-14; 2673:5-8; 2676:25-2677:10; 2677:3-10; 2678:16-19; 2679:1-5; 2682:10-15; 2685:4-8; 2686:21-25; 2690:21-23; 2692:4-13; 2693:9-22; 2695:8-2698:7; 2697:17-18; 2698:3-7; 2698:17-2699:5; 2699:17-18; 2702:25-2703:3; 2736:25-2737:3; 2742:4-6; 2745:7-13.	July 18, 2018
I	Chadi Nabhan  2788:7-9; 2812:8-10; 2826; 2828:15-20; 2833:14-20; 2835:3-10; 2835:3-18; 2835; 2844:20-2845:2; 2846:1-15; 2853:19-2854:2; 2864:19-2865:6; 2865:1-5; 2869:24-2871:25; 2884:1-15; 2886:20-2887:12; 2897:10-2898:8; 2913:11-15; 2915:7-12; 2917:4-10; 2917:8-10; 2917:13-16; 2918:10-12; 2918:10-14; 2919:6-2920:16; 2920:11-15; 2922:5-2924:17; 2928:18-25; 2935:20-22; 2936:2-23; 2942:12-2943:4; 2953:2-20; 2956:19-2957:22; 2961:6-18; 2963:8-13; 2970:13-17; 2977:16-24; 2983:2-2984:22;	July 20, 2018

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<b>Decl. Ex. Letter</b>	<b>Trial Transcript Excerpt Description</b>	<b>Date</b>
	2989:13-21; 2990:6-14; 2991:8-2995:24; 2994:21-2996:1; 2995:12-14; 2997:17-23; 2998:16-21; 3002:21-3003:4; 3003:13-3005:25; 3010:22-3011:1; 3043:19-3044:8.	
J	Dewayne Johnson  3154:2-16; 3223:24-3224:17; 3225:18-23; 3229:5-19; 3235:6-25; 3237:11-16; 3266:13-15; 3303:22-3304:19; 3313:12-17; 3324:1-16; 3324:20-3325:19.	July 23, 2018
K	Daniel Goldstein Dep.  8:7-24; 37:12-17; 40:10-12; 56:18-57:12; 151:8-12; 209:7-15; 329:18-330:11; 340:7-341.3.	July 23-24, 2018
L	Donna Farmer Dep.  14:23-15:7; 19:14-17; 50:2-20; 52:3-7; 52:19-22; 53:15-17; 122:4-11; 122:25-123:13; 395:7-15; 395:19-396:20; 396:5-20; 400:16-24; 403:14-19; 405:2-406:9; 407:12-408:22; 420:3-23; 433:9-434:2.	July 24, 2018
M	William Sawyer  3594:4-11; 3596:15-3597:4; 3601:14-3602:10; 3674:25-3675:3; 3674:25-3675:16; 3678:7-10; 3682:8-18; 3683:13-17; 3692:3-7; 3718:4-23; 3736:6-11; 3765:24-3666:1; 3768:11-20.	July 26, 2018
N	Charles Benbrook  3965:1-6	July 27, 2018
O	Kirk Azevedo  Tr: 4016 Dep: 34:1-35:19; 51:4-52:24	July 27, 2018
P	Net Worth Stipulation  4017:13-17	July 27, 2018
Q	Aaron Blair Dep.  115:12-16; 117:16-24	July 30, 2018
R	Ruling on Non-Suit Motion  4026:13-4027:8; 4027:4-8	July 30, 2018

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<b>Decl. Ex. Letter</b>	<b>Trial Transcript Excerpt Description</b>	<b>Date</b>
S	Evidentiary Ruling re 2017 OPP Report 4170-71	July 30, 2018
T	Lorelei Mucci  4211:12-17; 4219:2-6; 4222:10-21; 4222:20-21; 4223:9-18; 4238:12-18, 4242:3-8 4246:20-22, 4247: 7-14, 4248: 9-17, 4252:22-4253:1; 4262:5-10; 4269:18-22; 4285:21-4286:9; 4306:8-16; 4306:19-4307:12; 4307:23-25; 4429:19-25; 4439:20-4440:14; 4442:9-13; 4442:9-19; 4443:8-11.	July 31, 2018
U	Warren Foster  4496:13-18; 4497:2-10; 4504:4-16; 4504:4-21; 4505:9-14; 4514:16-4515:15; 4518:6-14; 4522:12-4423:20; 4528:11-15; 4539:1-4540:7; 4549:17-4550:6; 4557:19-25; 4563:14-17.	August 2, 2018
V	Timothy Kuzel  4731:19-4734:20; 4736:6-20; 4742:10-15; 4748:5-14; 4748:5-4749:23; 4777:16-22; 4789:20-4790:18; 4790:3-4.	August 3, 2018
W	Final Jury Instruction Conference and Directed Verdict Ruling  4893:13-21; 4900:8-4904:17; 4907:16-25; 4908:5-9; 4908:17-21; 4908:22-4909:22; 4909:21-22; 4955:7-10.	August 6, 2018
X	Jury Instructions  5050-5053; 5054-5055.	August 7, 2018
Y	Closing Argument  5056:14-19; 5056:20-23; 5064-65; 5066; 5067:21-5068:22; 5072:16-20; 5103:10-20; 5110:13-18.	August 7, 2018
Z	Verdict	August 10, 2018

1           5.       Attached are true and correct copies that reflect exhibits admitted during trial, or  
 2 other matters in the Court's file, as set forth in the below chart:

<b>Decl. Ex. Letter</b>	<b>Document</b>
AA	PX 166 - IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Preamble, Lyon, France (2006)
BB	PX 282 [ <i>Not Admitted in Evidence</i> ] - 6/11/2002 Monsanto Memo re: Glyphosate Stewardship, Epidemiology, and the Farm Family Exposure Study
CC	PX 290 - 9/10/2015 Monsanto emails re Prop 65
DD	PX 305 - 9/21/2009 Monsanto email re Roundup article in Fremantle Herald
EE	PX 313 - 9/2/2003 Monsanto email re McDuffee paper
FF	PX 332 - 11/11/2014 Monsanto emails re Johnson call to Monsanto
GG	PX 333 - 4/15/2015 Missouri Poison Center email re Adverse Event Report
HH	PX 334 - March 2015 Adverse Event Report re Johnson call
II	PX 362 - 2/19/2015 email re: IARC Planning
JJ	PX 445 - 7/18/2012 email re: Genotox Review
KK	PX 784 - IARC Monograph 112, Evaluation of Glyphosate (2015)
LL	PX 799 - Kier & Kirkland, "Review of genotoxicity studies of glyphosate and glyphosate-based formulations" 43 Crit Rev Toxicol. 283-315 (2013)
MM	DX 2437 - EPA, Cancer Assessment Review Committee, Cancer Assessment Document: Evaluation of the Carcinogenic Potential of Glyphosate Final Report (Oct. 1, 2015)
NN	DX 2481 - EPA, Office of Pesticide Programs, Glyphosate Issue Paper: Evaluation of Carcinogenic Potential (Sept. 12, 2016)
OO	DX 2486 - EPA, Office of Pesticide Programs, Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential (Dec. 12, 2017)
PP	DX 2489 - EPA, Office of Prevention, Pesticides and Toxic Substances, Reregistration Eligibility Decision (RED) Glyphosate (Sept. 1993)
QQ	Court's Jury Instruction No. 17
RR	May 17, 2018 Order on (1) Monsanto's Omnibus <i>Sargon</i> Motion; (2) Monsanto's Motion for Summary Judgment; (3) Plaintiff's Omnibus <i>Sargon</i> Motion; 4) Plaintiff's Motion for Summary Adjudication
SS	May 17, 2018 Order on Deposition Designations and Certain Proposed Jury Instructions
TT	May 8, 2018 Monsanto's Proposed Special Instructions 5, 6, 9
UU	May 8, 2018 Plaintiff's Proposed Substantive Jury Instructions, 1
VV	August 23, 2018 Notice of Entry of Judgment
WW	March 14, 2018 excerpt of the <i>In re: Roundup Products Liability Litigation</i> , No. M 16-02741 VC (N.D. Cal.) <i>Daubert</i> motions hearing transcript

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 18<sup>th</sup> day of September, 2018, at San Francisco, California.



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Sandra A. Edwards