

ELECTRONICALLY

FILED

Superior Court of California,
County of San Francisco

09/07/2018

Clerk of the Court

BY: CAROL BALISTRERI

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

20 DEWAYNE JOHNSON,
21
22 Plaintiff,

23 vs.

24 MONSANTO COMPANY,
25 Defendant.

Case No. CGC-16-550128

**DEFENDANT MONSANTO COMPANY'S
NOTICE OF INTENTION TO MOVE FOR
NEW TRIAL**

Hon. Judge Suzanne R. Bolanos

Hearing Date: TBD
Time: TBD
Department: 504
Trial Date: June 18, 2018

1 PLEASE TAKE NOTICE that Defendant Monsanto Company (“Monsanto”), by and
2 through its counsel of record, hereby gives notice pursuant to California Code of Civil Procedure
3 Section 659 of its intention to move this Court for an Order setting aside judgment entered in favor
4 of Plaintiff Dewayne Johnson on August 23, 2018 and granting a new trial on the following
5 grounds:

- 6 1. Irregularity in the proceedings of the court, jury or adverse party, or any order of
7 the court or abuse of discretion by which either party was prevented from having a
8 fair trial (CCP § 657(1));
- 9 2. Excessive or inadequate damages (CCP § 657(5));
- 10 3. Insufficiency of the evidence to justify the verdict or other decision, or the verdict
11 or other decision is against law (CCP § 657(6));
- 12 4. Error in law, occurring at the trial and excepted to by the party making the
13 application (CCP § 657(7)).

14 Monsanto’s intent to move for a New Trial is based on California Code of Civil Procedure
15 Sections 657 and 659. The Motion for New Trial will be based upon the Memorandum of Points
16 and Authorities and declarations to be filed within the time set forth by California Code of Civil
17 Procedure Section 659(a), the exhibits and testimony introduced at trial, the file and records in this
18 case, and upon any such further evidence and argument that may properly come before the Court
19 at any hearing to be set by the Court pursuant to California Code of Civil Procedure Sections 660
20 and 661. The Memorandum of Points and Authorities to be filed will set forth Monsanto’s factual
21 and legal arguments that a new trial should be ordered.

22 Because Monsanto moves for both a New Trial and Judgment Notwithstanding the Verdict
23 concurrently as alternative remedies, the Court must rule on both Motions at the same time.
24 California Code of Civil Procedure Section 629. The Court’s power to grant these Motions

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1 expires sixty (60) days after service of Notice of Entry of Judgment, which took place on
2 August 23, 2018. Accordingly, the last day for the Court to rule on the Motions is October 22,
3 2018.

4 Dated: September 7, 2018

FARELLA BRAUN + MARTEL LLP

5 By: 

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Sandra A. Edwards

7 Attorneys for Defendant
8 MONSANTO COMPANY
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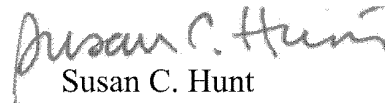
CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of September, 2018, I electronically filed the foregoing

- **DEFENDANT MONSANTO COMPANY'S NOTICE OF INTENTION TO MOVE FOR NEW TRIAL**

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

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Susan C. Hunt