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

20 DEWAYNE JOHNSON,

21 Plaintiff,

22 vs.

23 MONSANTO COMPANY,

24 Defendant.

Case No. CGC-16-550128

**DEFENDANT MONSANTO COMPANY'S
AMENDED NOTICE OF MOTION FOR
NEW TRIAL**

Hon. Judge Suzanne R. Bolanos

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

1 **NOTICE IS HEREBY GIVEN** that on Wednesday, October 10, 2018, at 2:00 p.m. in
2 Department 504 of the above-entitled Court, located at 400 McAllister Street, San Francisco,
3 California, 94102, Defendant Monsanto Company (“Monsanto”) will and hereby does move this
4 Court for an Order setting aside judgment entered in favor of Plaintiff Dewayne Johnson on
5 August 23, 2018 and granting a new trial on the following 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 Motion for a New Trial is based on California Code of Civil Procedure
15 Sections 657 and 659. The Motion for New Trial is based upon the Memorandum of Points and
16 Authorities and declarations filed concurrently herewith, the exhibits and testimony introduced at
17 trial, the file and records in this case, and upon any such further evidence and argument that may
18 properly come before the Court at the hearing.

19 Because Monsanto moves for both a New Trial and Judgment Notwithstanding the Verdict
20 concurrently as alternative remedies, the Court must rule on both Motions at the same time.
21 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 18, 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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