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SENT BY E-MAIL

October 14, 2018

Hon. Suzanne Ramos Bolanos
Judge of the Superior Court
Department504@sftc.org
lfong@sftc.org

Re: Dewayne Johnson Vs. Monsanto Company
Case No. CGC-16-550128

Dear Judge Bolanos:

As one of the 12 jurors in the above-referenced case, I urge you uphold the original verdict on both punitive damages and future non-economic damages. Monsanto's attorneys have asked you to serve as the "13th juror" and vacate a "flawed judgment" where the size of the award "demonstrates the significant prejudicial misconduct that inflamed this jury." I see absolutely no basis or credibility behind the arguments used by Monsanto's attorneys.

Our verdict was not flawed or inflamed by either passion or prejudice. If you had been the 13th juror in the room when we reviewed all of the witnesses and evidence submitted for this trial, I believe that you would have been as impressed as I was by the level of due diligence and rational discussion. We followed your instructions carefully and took our responsibilities seriously. We decided to assess punitive damages only after determining there was clear and convincing evidence that Monsanto had acted with "malice or oppression" and that such conduct was authorized by "one or more officers, directors or managing agents of Monsanto." The amount of such damages was the result of careful consideration and discussion, based on the court's instructions and definitions.

If you had been the 13th juror in deliberations, your negative vote would have meant at best a final tally of 12-1. Your vote would not have changed the verdict as the 13th juror, given that there were at least 9 votes for every count, but as the trial court judge if you grant Monsanto's motions for JNOV and a new trial with regard to punitive damages then you will single-handedly nullify a large part of the jury's verdict. I thought that such an extraordinary exercise of judicial power to quash a jury verdict was appropriate only in the case of jury misconduct or malfeasance. You may not have been convinced by the evidence, but we were. You and Monsanto's attorneys may have been upset by some of Mr. Wisner's more colorful closing comments, but we took them in stride and they played no part in our deliberations.

With regard to future non-economic damages, we certainly did assume a normal life expectancy of 33 years for a man of Mr. Johnson's age in determining the amount of compensation. To assume otherwise would be horribly cruel, discounting future damages because of a life shortened to less than two years because of cancer. This would seem to be stacking the deck in Monsanto's favor and in a sense rewarding it for shortening Mr. Johnson's life expectancy and therefore the future non-economic damages due to him. And wasn't the time for you to pose questions about life expectancy calculations *during* the trial, not afterwards?

This letter is my opinion alone and not a statement on behalf of other jurors. The jury as a whole delivered its collective opinion to you clearly and unequivocally on our last day of service on August 10. We have kept in touch since then and at the hearing last week I was one of 10 former jurors in the audience (including two alternates). I was dismayed to learn that day of your tentative ruling. I urge you to respect and honor our verdict and the six weeks of our lives that we dedicated to this trial.

Letter to Judge Bolanos
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Sincerely,

A handwritten signature in black ink that reads "Gary Kitahata". The signature is written in a cursive style with a horizontal line above the "i" in "Gary".

Gary Kitahata
Juror no. 1

cc: Fellow jurors
Plaintiff counsel: MBaum@BaumHedlundLaw.com
Defense counsel: glombardi@winston.com