

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Oct-05-2018 3:40 pm

Case Number: CGC-16-550128

Filing Date: Oct-05-2018 3:40

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ORDER

DEWAYNE JOHNSON VS. MONSANTO COMPANY ET AL

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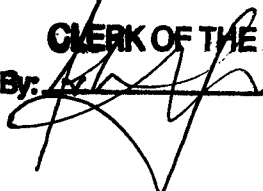
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FILED
San Francisco County Superior Court

OCT 05 2018

CLERK OF THE COURT

By:  Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

DEWAYNE JOHNSON,
Plaintiff,

Vs.

MONSANTO COMPANY,
Defendant.

Case No. CGC-16-550128

Order

Requesting Supplemental Briefing

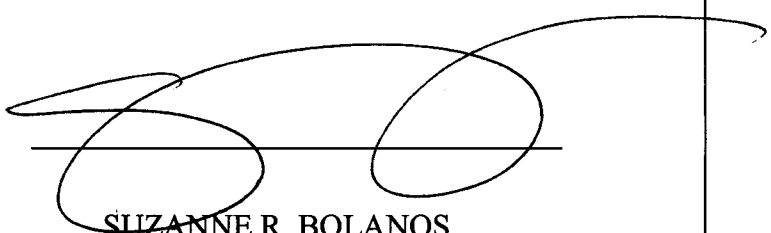
The parties are ordered to review the attached article from the Daily Journal dated September 19, 2018, and provide supplemental regarding whether any of Mr. Brent Wisner's representations and statements in the article are relevant to the proceedings pending before this Court.

The supplemental briefing should not exceed four (4) pages and must be filed by 9:00am on October 10, 2018.

SO ORDERED.

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Date: 10/5/18

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SUZANNE R. BOLANOS

Judge of the Superior Court

TOP 100 LAWYERS IN CALIFORNIA

LITIGATION

R. Brent Wisner

Wisner put Monsanto Co. on notice when he released internal, never-before-seen company documents last summer.

Wisner caught defense attorneys off guard after he challenged the agrochemical company's protective order. Because Monsanto failed to file a motion to preserve the documents' confidentiality, the plaintiff attorney posted the records on his firm's website.

The costly mistake by Monsanto attorneys allowed Wisner, who also has a master's degree in public policy, to send the declassified documents to various European regulatory agencies, leading to widespread inquiries into the safety of Monsanto's weed killers and the company's manipulation of scientific data.

Monsanto attorneys called for Wisner's head.

They told U.S. District Judge Vince Chhabria, who has thousands of cases consolidated in the Northern District alleging Monsanto's weed killers cause cancer, that Wisner acted in bad faith and should be disqualified as lead counsel in DeWayne Johnson's case. Johnson alleged he developed non-Hodgkin lymphoma as a result of using Monsanto's glyphosate-based herbicides, namely Roundup and Ranger Pro, while working as a groundskeeper for Benicia Unified School District. *Johnson v. Monsanto*, CGC-16-550128 (San Francisco Super. Ct., filed Jan. 28, 2016).

Wisner wears the "personal attacks" on his character as a badge of honor.

"Our view is that our job is not just to win the case, but also to see if we can improve the world," the 34-year-old said.

Wisner went on to lead the charge in handing Monsanto a check for \$289 million a year later when the jury announced its verdict last month.

The attorney, seasoned beyond his years, capitalized on what he called the moral higher ground.

"When you are the underdog, take advantage of that fact, at least perception-wise," he said. "I can be



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more passionate and outraged, and the jury is willing to accept that."

Wisner continued this silent exchange with the San Francisco jury.

He refused to question expert witnesses where the podium was located and instead steadily inched toward jurors and the stand over the course of dozens of questions. San Francisco County Superior Court Judge Suzanne Bolanos told Wisner several times to back away from jurors multiple times, but the gamble paid off.

"It's a fundamental disagreement on the role of the questioning attorney," he said. "You can only do that when you've developed that trust."

Wisner will continue the fight against Monsanto as lead counsel in cases consolidated in Alameda County Superior Court.

— Winston Cho

Superior Court of California
County of San Francisco

DEWAYNE JOHNSON,
Plaintiff,

Vs.

MONSANTO COMPANY,
Defendant.

Case Number: CGC-16-550128

CERTIFICATE OF MAILING
(CCP 1013a (4))

I, Johnny Sengmany, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On October 5, 2018, I served the attached ORDER REQUESTING SUPPLEMENTAL BRIEFING, to email address as follows:

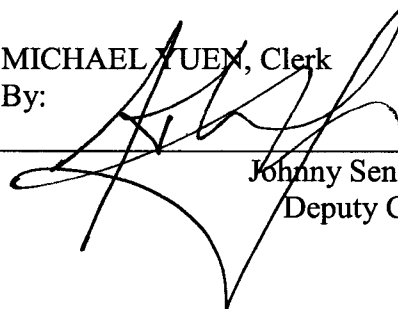
tlitzenburg@millerfirmllc.com;
ddickens@millerfirmllc.com;
jtravers@millerfirmllc.com;
rbwisner@baumhedlundlaw.com;
mbaum@baumhedlundlaw.com;

glombardi@winston.com;
kgriffis@hollingsworthllp.com; and
sedwards@fbm.com

I then placed the sealed envelopes in the outgoing mail at 400 McAllister Street, San Francisco, CA. 94102 on the date indicated above for collection, attachment of required prepaid postage, and mailing on that date following standard court practices.

Dated: 10/5/18

MICHAEL YUEN, Clerk
By:



Johnny Sengmany
Deputy Clerk